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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

NOTIFICATION

New Delhi, the 1st June 1970

S.O. 1985.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme for the Port of Calcutta, the same having been previously published as required by the said sub-section, namely:—

THE CALCUTTA DOCK WORKERS (REGULATION OF EMPLOYMENT)

SCHEME, 1970.

1. **Short Title and Commencement.**—(1) This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970.

(2) It shall come into force on the First day of July, 1970.

2. **Objects and Application.**—(1) The objects of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, (hereinafter referred to as the Scheme) are to ensure—

- (i) greater regularity of employment for dock workers by maintaining an adequate but not more than adequate number of dock workers;
- (ii) the achievement of efficiency of performance in dock work and attainment of satisfactory levels of productivity by the dock workers; and
- (iii) progressively, more and more full monthly employment for the dock workers under the registered employers and thus fulfil the ultimate objective of complete decasualisation of the workforce.

(2) The Scheme relates to the port of Calcutta within the limits specified in Schedule V and applies to the classes or descriptions of dock work and dock workers set out in Schedule I:

Provided that the Scheme shall not apply to any dock worker who is not specified in Schedule I.

(3) The Scheme shall apply to registered dock workers specified above and their registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in relation to any ship of the Indian Navy or any cargo carried by any ship that is declared for restrictive handling by the defence authorities.

3. Interpretations.—In the Scheme, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under clause 5;
- (c) "Board" means the Calcutta Dock Labour Board constituted under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (d) "Chairman" means the Chairman of the Calcutta Dock Labour Board;
- (e) "Chief Executive Officer" means Chief Executive Officer appointed by the Administrative Body under clause 13 of the Scheme;
- (f) "Deputy Chairman" means the Deputy Chairman of the Calcutta Dock Labour Board;
- (g) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under item (e) of sub-clause (1) of clause 17;
- (h) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by dock workers of the classes or descriptions to which the Scheme applies;
- (i) "employers register" means the register of dock employers maintained under the Scheme;
- (j) "Inspector" means Inspectors appointed by the Administrative Body under sub-clause (2) of clause 14;
- (k) "Labour Officer" means the Labour Officer appointed by the Administrative Body under sub-clause (1) of clause 14;
- (l) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;
- (m) "Personnel Officer" means the Personnel Officer appointed by the Board under clause 6;
- (n) "pool worker" means a registered dock worker who is not a monthly worker;
- (o) "register or record" means the register or record of dock workers maintained under the Scheme;
- (p) "registered dock worker" means a dock worker whose name is, for the time being, entered in the register or record;
- (q) "registered employer" means an employer whose name is, for the time being, entered in the employers' register;
- (r) "reserve pool" means a pool of registered dock workers who are available for work and who are not, for the time being, in the employment of a registered employer or a group of dock employers as monthly workers;
- (s) "rules" mean the Dock Workers' (Regulation of Employment) Rules, 1962;
- (t) "vessel" means an ocean going cargo vessel or ship whose gross registered tonnage is not less than 350 tons;

- (u) "week" means the period commencing from the mid-night of any day in the week and ending on the mid-night of the corresponding day of the following week.

4. Constitution of the Board.—The Board shall be constituted in accordance with rules 3 to 7 of the Dock Workers (Regulation of Employment) Rules, 1962.

5. Administrative Body.—(1) The Central Government may by notification in the official Gazette, appoint a body consisting of such employers of dock workers as the Central Government may nominate in this behalf to be the Administrative Body and the body of the employers so nominated shall appoint one person as the President of the Administrative Body.

(2) The Central Government may for sufficient cause remove or supersede any Administrative Body appointed under sub-clause (1):

Provided that the Administrative Body shall not be removed or superseded unless it has been given a reasonable opportunity of being heard.

(3) The Administrative Body shall, subject to the supervision and control of the Board and the Chairman and subject to the provisions of clauses 47 and 48 carry out the day-to-day administration of the Scheme.

(4) If a body consisting of employers of dock workers is not appointed as the Administrative Body or the Administrative Body is removed or superseded by the Government the Deputy Chairman shall then constitute the Administrative Body.

(5) (a) If the Deputy Chairman constitutes the Administrative Body, he may be assisted by an Administrative Superintendent in the discharge of his functions under clause 12.

(b) The Deputy Chairman may, with the approval of the Chairman, delegate in writing to the Administrative Superintendent any of the functions under clause 12 of the Scheme.

6. Administrative Superintendent, Secretary, Personnel Officer and other servants of the Board.—The Board may appoint an Administrative Superintendent, a Secretary and a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post, the maximum salary of which exclusive of allowances is rupees one thousand and above per mensem, shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than three months.

7. Functions of the Board.—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for—

- (a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the port.
- (b) fixing, subject to the approval of the Central Government the number of workers to be registered under various categories, after determining the number required under each category.
- (c) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;
- (d) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such registers or records if the said review warrants the same for better efficiency and economy of operators;
- (e) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

- (f) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body, and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;
- (g) the grouping or re-grouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body, and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;
- (h) restricting the number of categories, in the event of new registrations, by having as much flexibility of employment of workers as possible;
- (i) making provisions for the training and welfare of registered dock workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (j) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (k) making provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;
- (l) maintaining and administering a Provident Fund, a Gratuity Fund, a Voluntary Retirement Fund and any other fund/funds created for specific purposes for registered dock workers;
- (m) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for dock workers, (including assistance by way of grant or loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the staff of the Board), and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper accounts to be kept on the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government—

- (i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March together with an audited Balance Sheet and
- (ii) copies of proceedings of the meetings of the Board.

8. Responsibilities and duties of the Board in meeting.—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

- (a) sanction the temporary registration of a specified number of workers in any category for a specified period under specified terms and conditions;
- (b) consider registration of new employers on the recommendation of the Chairman;
- (c) prescribe forms, records, registers, statements, and the like required to be maintained under the Scheme;
- (d) determine the wages, allowances and other conditions of service and fix the guaranteed minimum wages in a month after annual review;

- (e) fix the rate of levy under sub-clause (1) of clause 56;
- (f) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund;
- (g) appoint, abolish or reconstitute committees under clause 39;
- (h) sanction the annual budget;
- (i) appoint the Personnel Officer, the Secretary and the Administrative Superintendent;
- (j) subject to the provisions of clause 6, sanction the creation of posts and make appointments to such posts;
- (k) make recommendations to the Central Government about changes in Schedule I;
- (l) make recommendations to the Central Government about any modifications in the Scheme;
- (m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;
- (n) discuss statistics of output of labour and turn-round of ships and records its observations and directions;
- (o) sanction the opening of accounts in such Scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct; and
- (p) create and administer fund or funds for specific purposes.

9. **Annual Estimates.**—The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under sub-item (vi) of item (h) of clause 12, for the year commencing on the first day of April then next ensuing in such details and form as the Board may, from time to time, prescribe. The Board shall consider the estimates so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

10. **Responsibilities and duties of Chairman.**—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular:—

- (a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) (i) to supervise and control the work of the Administrative Body or the Administrative Superintendent;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice;
- (d) to ensure that proper and adequate supervision as laid down by the Board is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the output of labour and turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;
- (j) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees six hundred per mensem and to make appointment to such posts;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;
- (l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;

- (m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (n) to declare 'a state of emergency' and to take action as authorised under the Scheme;
- (o) to make a report, when necessary, to the Central Government under rule 5 of the Dock Workers' (Regulation of Employment) Rules, 1962;
- (p) to sanction the transfer of a monthly worker to the reserve pool and vice versa, as provided for in the Scheme;
- (q) to deal with appeals from workers and employers under clauses 51 and 52;
- (r) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to Central Government for approval; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) excepting those mentioned in items (j), (m), (n), (o), (q), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

11. Responsibilities and duties of the Deputy Chairman.—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

- (a) discharge such functions relating to disciplinary action against registered employers and dock workers as permitted under clause 48;
- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) functions as Chairman of Committees of the Board of which he may be nominated as a member;
- (d) preside over the meetings of the Board in the absence of the Chairman;
- (e) carry out the functions of the Administrative Body as laid down in Clause 12, if the Administrative Body consisting of employers of dock workers is not constituted; and
- (f) make appointments to posts the maximum salary of which exclusive of allowances is not more than five hundred and seventy five rupees per mensem.

12. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

- (a) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of dock workers, including any registers or records of dock workers, who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme and to carry out recruitment in any category of dock workers as sanctioned by the Board from time to time;
- (c) discharge the functions to the extent permitted under clauses 47 and 48;
- (d) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules of the Fund framed under clause 59;
- (e) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

- (f) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
- (g) the allocation of registered dock workers in the reserve pool who were available for work to registered employers and for this purpose the Administrative Body shall—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of registered dock workers in the reserve pool;
 - (iii) keep the record of attendance at call stands or control points of registered dock workers;
 - (iv) provide for the maintenance of records of employment and earnings;
 - (v) subject to the allotment of work by rotation under sub-clause (3) of clause 32, allocate workers, in accordance with clauses 22 and 23; and
 - (vi) make necessary entries in the attendance and wage cards of workers in the reserve pool as laid down in clause 30;
- (h) The Administrative Body shall also be responsible for—
 - (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
 - (ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;
 - (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;
 - (iv) appointing, subject to budget provision, such officers and servants from time to time as may be necessary;

Provided that the creation of posts the maximum salary of which exclusive of allowances is above rupees five hundred per month and appointment of persons to such posts shall be subject to item (b) of clause 3 and item (j) of sub-clause (1) of clause 10.

- (v) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance-sheet;
- (vi) the framing of the budget annually, submitting the same to the Board on or before fifteenth day of February in each year and getting it approved by the Board;
- (vii) maintaining complete service records of all registered dock workers;
- (viii) authorising the employment of unregistered workers in case registered dock workers are not available for work in the reserve pool or in such other circumstances as the Chairman may approve;
- (ix) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman;
- (i) The Administrative Body may delegate in writing to the Chief Executive Officer, any of the functions and powers conferred upon it, provided that such delegation shall not divest the Administrative Body of its powers.

13 Chief Executive Officer.—The Administrative Body when consists of employers of dock workers may appoint a Chief Executive Officer representing the employers who shall have sufficient delegated powers from the employers to enable him to carry out effectively the day-to-day functions of the administration. He shall be paid for by the Employers' Association, who shall also lay down his other terms and conditions of service.

14. Labour Officer.—(1) The Administrative Body, when it consists of employers of dock workers, shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that body consistent with the provisions of the Scheme, and shall in particular carry out functions vested in him under clauses 47 and 48.

(2) *Inspectors.*—The Administrative Body, when it consists of employers of dock workers, shall appoint an Inspector or Inspectors with the approval of the Board. The Inspector shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that body consistent with the provisions of the Scheme.

15. *Functions of the Personnel Officer.*—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out functions vested in him under clause 48.

16. *Officers appointed by the Central Government for proper working of the Scheme.*—(1) Notwithstanding the provisions of clauses 5, 6, 12 and 15, the Central Government may in its discretion appoint from time to time in consultation with the Chairman one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such Officer or Officers shall be subject to the general supervision and control of the Chairman, paid from the funds of the Board. Such Officer or Officers shall hold office for such period and on such terms and conditions as the Central Government may determine.

17. *Maintenance of Registers etc.*—(1) *Employers' Register*—(a) There shall be a register of employers, deemed to have been registered or registered, under item (b) or item (c) as the case may be.

(b) In so far as the application of the Scheme to categories (a) to (1) of Schedule I is concerned, every employer of dock workers who on the date of enforcement of the Scheme is already registered or listed under the Calcutta Dock Workers Regulation of Employment Scheme, 1956 or Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 shall be eligible for registration as an employer under this Scheme with regard to those categories of dock labour for which they had been registered or listed under the said 1956 or 1957 Schemes.

(c) Category (k) shall be employed by registered employers only. Persons or firms other than those who are deemed to have been registered under item (b) shall not be registered as employers unless the Board considers it expedient and necessary to do so and in no case shall a person or firm be registered unless he or it has been licensed in that behalf by the Calcutta Port Commissioners.

(d) If the license issued to an employer is not renewed by the Calcutta Port Commissioners for any reason, it shall automatically result in the name of the employer being suspended from the employers' register.

(e) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons registered under item (b) or (c) to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers; such group or groups of employers must also obtain a license from the Calcutta Port Commissioners in order to operate as employer of dock workers in the port;

Provided that the Board shall have power to make, with the previous approval of the Central Government, such alterations or modifications in the conditions prescribed in items (b), (c) and (d), as it may deem necessary from time to time;

Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and thereupon the said group shall stand dissolved from such date.

(2) *Workers' Register.*—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of workers shall be as under, namely:—

(i) *Monthly Register.*—Register of workers including Tally Clerks who are or may be engaged by each registered employer on contract on monthly basis are known as monthly workers. The Deck Foreman, the Hatch Foreman and the Gearman category of workers, however, shall mainly be on the monthly register. Their allocation under different employers shall be done by the Chairman in

consultation with the Administrative Body. The criteria of such allocation shall primarily be the amount of business done by individual employers during the previous years.

(ii) **Reserve Pool Register.**—Register of workers other than those on the monthly register is known as reserve pool register. In both the monthly and reserve pool registers the names of workers shall be arranged categorywise and as per seniority. There shall be no gangs of workers formed for the purpose of daily allocation to employers. The Deck Foreman, the Hatch Foreman and the Gearman categories shall not generally be permitted on the reserve pool register.

(iii) **Full monthly employment of the workers under the registered employers** being the ultimate objective of the Scheme, every endeavour should be made to take on more and more workers from the reserve pool to the monthly register. A minimum of 75 per cent of the total requirement of the work force under the Scheme by the trade should be on the monthly register of the employers within two years of the Scheme being put into effect.

18. Classification of workers in Registers.—(1) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into:—

- (a) Deck Foreman
- (b) Hatch Foreman
- (c) Winch Driver
- (d) Sirdar
- (e) Mate
- * (f) Stevedore Mazdoor (Senior).
- (g) Stevedore Mazdoor (Junior)
- (h) Rigger
- (i) Tally Clerk
- (j) Salt Worker, Bagger and Stitcher

** (k) General Mazdoor (Cargo)

*** (l) General Purpose Mazdoor

**** (m) Gearman.

The Board may, if considered necessary for the efficient performance of work, further classify the workers of any category into sub-categories.

19. Fixation of Number of workers on the Register.—The Board shall, in consultation with the Administrative Body and subject to the approval of the Central Government periodically determine the number of workers required in each category and arrange to adjust the worker registers accordingly. The Administrative Body shall, in accordance with the decision of the Board, arrange to register or de-register the workers with least possible delay. The procedure for de-registration shall be separately laid down by the Board.

20. Registration of the Existing and New Workers.—

(1) *Registration of the existing workers in categories (a) to (j) of Schedule 1.*—Any dock worker who on the date of the commencement of the Scheme, is already registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, shall be registered under the Scheme if he is below 58 years of age :

*This will cover the stevedore workers registered as Khamalies and Rolias under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.

**This will include the XBG and TBG workers listed temporarily with the 1957 Scheme. Their functions and mode of employment are given in Schedule IV, annexed hereto.

***This will mean the workers who have hitherto been working in the docks as cleaning gang workers, markmen, gunnymen and carpenters (coopers). The nature of duties performed by them has been laid down in Schedule III annexed hereto.

****This will mean the workers who have hitherto been working with the Stevedores for looking after and taking care of their gear and supplying the same to the ships and points of work and whose functions are listed in Schedule III.

Any dock worker other than the chipping and painting and coal stevedoring and coal bunkering worker who, on the date of commencement of the Scheme, is already listed permanently under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall be eligible for registration under the Scheme, if he is—

- (i) an Indian national,
- (ii) medically fit for the work he is doing, and
- (iii) below 58 years of age;

Provided that any such worker shall be registered provisionally, pending confirmation on the expiry of six months of such provisional registration subject to verification of his character and antecedents.

Provided further that, subject to provisions of clause 34, any such worker be eligible for all benefits of the Scheme, including provident fund benefits from the date of his provisional registration.

(c) Notwithstanding anything contained in clause 20(1)(a) and (b) as regards the age requirement for registration, any such worker who is 58 years and above but below 60 years, shall also be eligible for being registered, provided he is found medically fit for the work he is doing in accordance with the provisions of clause 23.

(2) *Registration of workers in categories (k), (l) and (m) of Schedule I.*—(a) The fixation of number of workers in categories that may be registered after introduction of this Scheme, shall be done by the Board in consultation with the Administrative Body: Provided that it shall be necessary for this purpose to conduct a thorough investigation in order to arrive at an estimate of the number of workers in that category that will be necessary to meet the requirements of the trade:

Provided further that the number of persons to be registered as determined by the Board shall be subject to approval by the Central Government.

(i) There shall be a provisional registration based on anticipated requirements as determined by the Board and approved by the Government and the mere fact that a worker had already been working in the port shall not automatically entitle him to registration.

(ii) For the purpose of selection of workers for registration from among the claimants, a list of names shall be prepared under the following four classifications and arranged in the same order of priority, that is to say—

- (A) those having permanent or monthly dock permits issued by the Port Authorities continuously for eighteen months or more;
- (B) those having permanent or monthly dock permits issued by the Port Authorities continuously for more than twelve months but less than eighteen months;
- (C) those having permanent or monthly dock permits issued by the Port Authorities continuously for over six months but less than twelve months; and
- (D) those who can produce evidence that they have been working regularly under employers since August 1969 with daily dock permits.

From the list prepared in accordance with the procedure set out above, the names of those who do not appear in the stevedores' roll for such workers (maintained since August, 1969) shall be removed. Registration shall be done serially from the final list prepared in the foregoing manner.

(iii) Only Indian Nationals who are below 58 years in age and are medically fit shall be eligible for registration.

(c) After the provisional registration has been completed, the booking in rotation within the number so registered shall start without allowing, at that stage, any financial benefits other than the wages which accrue to registered workers under the Scheme.

(d) A re-assessment of the requirements shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly and thereupon, the workers shall be eligible for the following benefits, namely:—

- (i) payment of attendance allowance;
- (ii) holiday wages for port closed days only; and
- (iii) sick and casual leave as under the Scheme.

(e) The aforesaid Scheme shall be subject to review after one year from the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 34 should be paid. On the basis of review, the workers shall be entitled to all the benefits under the Scheme including Provident Fund benefits and the provisional registration granted to them shall be deemed to have been confirmed if their character and antecedents have been verified and found satisfactory.

(f) The minimum number of days in a month for which wages are guaranteed under clause 34 to categories of workers previously registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item: (e).

(g) The wages of the workers in categories which may be registered after the date of commencement of the Scheme, shall be such as may be fixed by the Board from time to time.

(3) *Fresh registration in categories (a) to (m) of Schedule I.*—(a) Any fresh registration, provisional or otherwise in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange.

(b) Where the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the date of requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made and the upper age limit for such direct recruitment shall be 25 years which, in the case of ex-service personnel may be relaxed upto 45 years by the Dock Labour Board.

(4) (a) (1) Tally Clerks, who on the date of the commencement of the Scheme are in the permanent employment of:—

- (i) Shipping Companies, or
- (ii) Shipping Agents, or
- (iii) Contractors of Tally Clerks, or
- (iv) Stevedore employers

on a monthly basis shall not be registered, but may work without being registered, if the names of such clerks have been submitted to the Board for the purposes of record by the concerned employers.

(2) The strength of such clerks under the employer shall not be increased except with the previous approval of the Board, and if it is found necessary, to fill the permanent vacancies in the strength of permanent Tally Clerks, they shall be filled by selection from the reserve pool of Tally Clerks.

(3) Tally Clerks on monthly employment who are being retrenched or have been retrenched by the registered employer or stevedore and were previously registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951 may be eligible for provisional registration and absorption in the reserve pool as fresh entrants, if they are—

- (i) Indian nationals.
- (ii) Medically fit for the work they are required to perform.
- (iii) Below 58 years of age.

(4) For work which cannot be done by permanent Tally Clerks, workers on the reserve pool register shall be employed through the registered employers.

(b) The Masters of the ships may engage the crew of the ship for rigging and fitting of derricks and for carrying out all the functions and duties as laid down in Schedule III. The shipping companies who have workshop establishments and who have been employing before the 1st August, 1955 their workshop staff for rigging and fitting of derricks may also be permitted to continue to do so. In all other cases, registered Riggers or General Purpose Mazdoors only shall be employed for such work and on requisition made by registered employers.

(c) The Board may, from time to time, permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify. De-registration after the specified period shall be done by the Administrative Body as per terms and conditions of such temporary registration laid down by the Board;

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 35 and shall have the same obligations as registered dock workers in the reserve pool.

(d) Notwithstanding any other provision of the Scheme, where it is proved that a dock worker has secured his registration by furnishing false information in his application, or has wilfully withheld any information required therein, or where it appears that a worker has secured his registration by adoption of improper or unfair means, the Board in meeting may direct the removal of his name from the register:

Provided that before giving any such directions, the Board shall give him an opportunity of showing cause against the proposed action.

21. Age of retirement.—The age of retirement of any worker under the Scheme shall be 58 years:

Provided that where a worker, having been registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 or listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, is registered under this Scheme, his age of retirement shall be 60 years, subject to the worker being declared medically fit for the work he is doing on attaining the age of 58 years and annually thereafter until he reaches the age of 60.

22. Promotion and Transfer of Workers.—(1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy, other than a casual vacancy in any category of monthly workers, may be filled only by promotion from lower category of monthly workers belonging to the same employer or group of employers and if no person is suitable for promotion from the lower category of the same employer or group of employers, by transfer of a worker in the same or superior category from the reserve pool who may be selected by a registered employer or a group of employers.

Explanations.—The criteria for promotion shall ordinarily be—

- (a) merit and fitness for work in the category to which promotion is to be made,
- (b) record of past service, and
- (c) seniority.

NOTE.—A transfer from the reserve pool register to the monthly register in the same category or *vice versa* shall not be deemed a promotion.

(3) The Chairman and the Deputy Chairman in consultation with the Administrative Body may allocate from time to time such number of reserve pool workers to the monthly registers of the employers as they may deem necessary in keeping with the objective of progressive and full decasualisation of the workforce. The monthly registers of the employers shall, for this purpose, be subjected to an annual review by the Board.

(4) If a reserve pool worker is transferred to the monthly register, his previous service shall be reckoned for all benefits other than Provident Fund in the monthly register and the Board shall transfer to the monthly employer all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

(5) The Chairman or the Deputy Chairman may, for sufficient and valid reasons, allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker as the case may be explaining fully the reasons for the transfer:

Provided that transfer in respect of a monthly worker to reserve pool shall be subject to fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment;

Provided further that no Deck Foreman, Hatch Foreman or Gearman can ordinarily be transferred to the reserve pool but may for sufficient reason be temporarily or permanently transferred from one employer to another by the Chairman or the Deputy Chairman in consultation with the Administrative Body.

(6) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (5), his previous service shall be reckoned for all benefits in the

reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

23. Medical Examination.—(1) A new worker, including any worker listed under the Calcutta unregistered Dock Workers (Regulation of Employment) Scheme 1957 and who was not medically examined at the time of listing under the said Scheme, before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by the Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration:

(2) If the Administrative Body deems it necessary a worker shall undergo, free of charge, a medical examination by a Medical Board to be constituted by the Chairman. The Chairman shall have authority to terminate the services of a worker found unfit by the Medical Board. The decision of the Medical Board will be final.

24. Facilities for training.—The Board shall make provision for training of suitable registered workers.

25. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme:

Provided that those workers who had already been registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, shall be exempted from payment of such fee.

26. Supply of Cards.—(1) Every registered worker shall be supplied, free of cost, with the following cards in the forms prescribed by the Board, namely—

- (i) Identity Card.
- (ii) Attendance Card.
- (iii) Wage Card.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

27. "Service Record" for Registered Workers.—A "service record" for every pool worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, such as a complete record of disciplinary actions taken against the worker promotions and commendations for good work. Such details in respect of monthly workers shall be maintained by the registered employers.

28. "Records sheet" for Registered Employers.—The Personnel Officer shall maintain a "record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employers.

29. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following circumstances, namely:—

- (a) when proceeding on leave for three days or more;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended; or
- (e) on death;

Provided that the employer of monthly worker will also surrender the card of the workers to the Administrative Body in the above circumstances.

Provided further that if a worker has not surrendered his card, the dues payable to such a worker shall be withheld to such period of time as the matter is decided by the Administrative Body on merits of each case.

30. Entries in Attendance Card and Wage Board—(1) A registered dock worker in the reserve pool shall hand over his Attendance Card and Wage Card to the Administrative Body at the time he is allocated for work to a registered employer unless any of the cards has already been deposited with the said Body previously and has not been returned to the worker. The Administrative Body shall arrange to make necessary entries in the Attendance Card and the Wage Card in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

(2) A monthly worker shall hand over his Attendance Card and Wage Card to his employer at the time when he is allotted work on a ship unless any of the cards has already been deposited with the employer previously and has not been returned to the worker. The said employer shall make necessary entries in the cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

31. Employment of Workers—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on monthly register in a particular category is not sufficient for the work available, suitable workers on the reserve pool register shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman.

32. Employment in Shifts—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the monthly register shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally a worker in the reserve pool shall not be employed for more than 6 shifts in a week, but when a worker in the monthly register who has not reached the maximum limit of employment defined in item (b) is not available, a reserve pool worker may be employed upto 9 shifts in a week or 33 shifts in a month.

The same restrictions regarding employment as in (b) shall apply in the case of registered Tally Clerks or Tally Clerks authorised to work without registration under item (c) of sub-clause (1) of clause 20.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Allotment of workers in rotation shall always be on individual basis. Where work is carried on by gangs, the same shall be formed at the place of work from workers allotted.

33. Filling of Casual Vacancies—(1) Casual vacancies of monthly workers shall be filled in the following manner, namely:—

(i) Where a Sirdar is absent, the vacancy shall be filled, if required, by the seniormost available Mate belonging to the same employer or group of employers;

(ii) Where a Mate is absent, the vacancy shall be filled, if required, by the seniormost available Khamatl belonging to the same employer or group of employers;

(iii) Where a Stevedore mazdoor (Senior) is absent the vacancy shall be filled, if required, by a Stevedore Mazdoor (Junior) belonging to the same employer or group of employers;

(iv) Shortages of Stevedore Mazdoors (Junior) will be met from the reserve pool on requisition.

(2) Daily shortages in the reserve pool shall be met in the following manner—

- (a) in the case of a Sirdar, the requirement shall be met by promoting for the day or the shift the seniormost Mate on turn as a Sirdar;
- (b) in the case of a Mate, the requirement shall be met by promoting for the day or the shift the seniormost stevedore mazdoor (Senior) on turn;
- (c) in case of a Stevedore Mazdoor (Senior) the requirement shall be met by promoting for the day or the shift the seniormost Stevedore Mazdoor (Junior) on turn.

34. Guaranteed minimum wages in a month.—(1) The minimum number of days for which wages are guaranteed to any reserve pool worker may be fixed by the Board for each year on the basis of the monthly average employment obtained by the said worker in a reserve pool, during the preceding year, in the category to which he belongs;

Provided that—

- (i) the number so fixed shall not in any case be more than 21;
- (ii) the workers already registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 and listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, shall continue to be eligible for the same minimum guaranteed wages as fixed for them under the said Schemes respectively by the Board.

(2) The days on which work is allotted to the worker shall be counted towards the guaranteed minimum number of days for which wages shall be paid. The guaranteed minimum wages in a month shall be—

- (a) for the number of days for which wages are guaranteed in a month, subject to the condition that the worker attended for work on all days in a month as directed by the Administrative Body; or
- (b) proportionate to the number of days for which the worker attended for work provided he was excused for attendance on all the remaining days of the month.

(3) For the purposes of this clause—

- (a) the wage payable shall be inclusive of dearness and other allowances as prescribed by the Board appropriate to the category to which the worker belongs either substantively or temporarily for a period of a month or more;
- (b) any additional shift or shifts worked in a day shall not be separately counted as a day;
- (c) a worker on his weekly off day will be deemed to have been on attendance unless he was specifically booked for work by the Administrative Body and had failed to attend.

NOTE.—The method of assessing the average employment is detailed in Schedule II.

(4) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to any new category of workers who are not already registered or listed under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 or the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under paragraph (e) of sub-clause (2) of clause 20. The annual re-fixation of the minimum number of days as under sub-clause (1) shall be done independently in their cases also.

35. Attendance Allowance.—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance exclusive of dearness and other allowances at the rates specified below, for the days on which, during a monthly

wage period, he attended for work as directed by the Administrative Body and no work was found for him—

(i) Rupees 1'75 Paise per day for categories (a) to (j) of Schedule I; and

(ii) Rupee 1/- per day for categories (k) and (l) of Schedule I.

Provided that the Board may allow payments of attendance allowance, exclusive of dearness and other allowances at such higher rates, not exceeding rupees 2/-, as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages and dearness and other allowances have been paid under clause 34 or for which disappointment money has to be paid under clause 37.

36. Employment for a shift.—No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period.

37. Disappointment money.—(1) When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the, daily basic wage, plus dearness and other allowances for the day, appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full time-rate wages, dearness and other allowances.

(2) Notwithstanding the provisions contained in sub-clause (1) the Board may prescribe a different rate of disappointment money and the conditions under which it is to be paid.

38. Holidays.—Each worker shall be entitled to 8 holidays in a year with pay at such rates as may be prescribed by the Board under clauses 44 and 45 including all such days, which shall not exceed 6 in a year, as are adopted by the Board as closed holidays. Any payment made under this clause shall be exclusive of the payment calculated under clause 34.

39. Committees.—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a Committee, such co-opted members, however, shall not have any right to vote.

40. Obligations of Registered Dock Workers.—(1) Every registered dock worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points—

(i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour as may be specified;

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body;

(c) accept and agree to work under the provisions in Schedule VI or any other such incentive scheme that may in future be introduced by the Board; and

(d) accept and agree to a transfer to the monthly register of any registered employer to whom he might be allocated by the Chairman or the Deputy Chairman.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or its authorised representative or supervisor and the rules of the port or place where he is working.

41. Obligations of Registered Employers.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 31 and the relaxation given in sub-clause (2) of clause 20, a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of item (g) of clause 12.

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of the tonnage of the handled by workers on piece-rate and such other statistical data as may be required in respect of the registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under sub-clause (1) of clause 56 and the gross wages due to pool workers.

(ii) A registered employer shall make payments as contributions to the Dock Workers Welfare Fund under clause 59.

(iii) A registered employer shall pay to the Board the monthly Provident Fund subscriptions recovered from the wages of the workers and the contribution by the registered employers thereon, repayment of Provident Fund loan and interest on Provident Fund loan within 15 days from the date of each recovery. The cost of maintaining the Provident Fund amounts of the monthly workers shall be defrayed by payments to the Board made by the registered employers in such manner and on such basis as might be fixed by the Board from time to time.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

(7) Every registered employer shall maintain such gears, supervisory staff and other personnel and carry out such minimum business per annum as may be specified in the license for stevedoring to be issued by the port authorities.

(8) A registered employer is permitted to use registered workers for the descriptions of stevedoring work specified in the Scheme only under a direct stevedoring appointment with the Ship-owners, Shipping Companies, Steamer Agents or Masters of ships. The Board may at any time demand production of such appointment documents pertaining to work on any ship, from any registered employer for the purpose of verification.

(9) In keeping with the objects of the Scheme and in accordance with sub-clause (iii) of item (b) of sub-clause (2) of clause 17, every registered employer is expected to maintain at least 75 per cent. of his total requirement of workforce under the Scheme on his monthly register within two years of this Scheme being brought into force. With this end in view, the registered employer shall agree to accept such additional allocation of labour from the pool to his monthly register as the Chairman or the Deputy Chairman may decide from time to time in consultation with the Administrative Body.

42. Restriction on employment.—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer

engage, subject to the relaxation given in sub-clause (5) of clause 20, for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange Organisation shall as far as possible, be consulted:

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) in the case referred to in item (a), the person so employed as aforesaid by a registered employer shall, for the purposes of sub-clauses (4), (5) and (6) of clause 41 and clauses 44 and 45 be treated in respect of that dock worker as if he were a daily worker.

(3) A registered worker in the reserve pool may, provided he fulfils fully his obligations under clause 40, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

43. Circumstances in which the Scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or rights accrued during any time when the person was a registered dock worker or a registered employer.

44. Wages, Allowances and other conditions of Service of Certain Classes of Workers.—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered worker not being a worker to whom the provisions of clause 45 apply, and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers from time to time; and

(b) the fixation of wage periods, time for payment of wages and deduction from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

45. Wages, Allowance and other conditions of Service of Workers in Categories in Schedule I.—(1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker in the categories in Schedule I and a registered employer that the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers subject to the provisions of sub-clauses (2) to (6).

(2) The Board shall accept and implement the provisions in Schedule VI or any other Scheme that may hereafter be framed and approved by the Central Government.

(3) With regard to future Scheme, the Board shall appoint a Committee consisting of representatives of registered employers, shipping companies, workers and the port authority and nominee, or the Central Government to determine the norms for output in respect of cargoes of different kinds, and/or Lines and/or Zones. If the Committee is not able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers. The same procedure shall be followed if and when a revision of the norms is considered necessary by the Board.

(4) The Board shall by regulations relate the wages earned to the actual output of workers as specified in Schedule VI. The regulations for any future scheme shall be submitted to the Central Government for approval before implementation.

(5) A worker on the monthly register shall be entitled to the full month's wages and allowances of the category to which he belongs whether he is allowed work on all days or not.

(6) The fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

(7) Notwithstanding the provisions contained in sub-clause 3, the Central Government may, if it so decides, set up such other body as it may deem fit for reviewing the Scheme or any part thereof. The decision of the Central Government on the recommendations of the said body shall be final and binding.

46. Pay in respect of Unemployment or under Employment.—(1) Subject to the conditions set out in this and the next following clause, when in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 34, 35 and 37.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that—

- (a) he attended as directed at the call stands or control points; and
- (b) his attendance was recorded.

47. Disentitlement to Payment.—(1) A registered dock worker who while in the reserve pool fails without adequate cause to comply with the provisions of item (a) or (b) of sub-clause (4) of clause 40, or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of sub-clause (5) of clause 40 or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and, whether or not he is so returned may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance and Wage Cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker and the Administrative Body that he is satisfied that the registered dock worker has failed to comply with lawful order as aforesaid, the registered dock worker shall not be entitled to any payment or to such part of any payment under clause 46 as the Labour Officer thinks fit in respect of the wage period in which failure occurred or continued:

Provided that the registered dock worker shall be given an opportunity of showing cause before the Labour Officer takes any decision under this sub-clause.

48. Disciplinary Procedure.—(1) (1) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has

failed to carry out the provisions of the Scheme may after investigating the matter give him a warning in writing, or

(il) where in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman, who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

- (a) censure him and record the censure in his record sheet, or
- (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing by the employer, to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

- (a) determine that, for such periods as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 46 in respect of the wage period in which such failure, commission or misconduct occurred or continued;
- (b) give him a warning in writing; or
- (c) suspend him without pay for a period not exceeding three days.

The employer may also report the matter in writing to the Inspector-on-duty who after spot inspection and investigation report the matter immediately to the Labour Officer for detailed enquiries and further action.

(3) (a) Where in a case reported to him under sub-clause (2) the Labour Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman, who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final orders remain suspended or not;

(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances;

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances.

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 35 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Deputy Chairman.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the Administrative Body that a registered dock worker in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem

fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

- (a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 46 in respect of the wage period in which such failure, commission or misconduct occurred or continued;
- (b) give him a warning in writing;
- (c) suspend him without pay for a period not exceeding three months;
- (d) terminate his services after given 14 days' notice or 14 days' wages and allowances in lieu thereof; or
- (e) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in this clause and in clause 47, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf:

TABLE

Authority empowered to take action	Power given under	Authority empowered to take action in specified cases.
1	2	3
1. Labour Officer	Clauses 45 and 46	Administrative Body.
2. Personnel Officer	Clause 46	Deputy Chairman or Chairman
3. Deputy Chairman	Clause 46	Chairman

(9) Without prejudice to the powers of the Chairman under clause 49, a registered employer shall have full powers to take disciplinary action including dismissal against monthly workers employed under him.

49. Special Disciplinary Powers of the Chairman.—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

- (i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and
- (ii) in the case of registered dock workers in the reserve pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action where the 'go-slow' is resorted to by a worker or a group of workers, against the worker or workers concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any group of workers, such worker or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or group of workers immediately after a declaration has been made under sub-clause (1).

(a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman in exceptional cases grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clauses 34 and 35 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(5) Any registered dock worker who is aggrieved by an order of the Chairman under sub-clause (2) may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

50. Termination of Employment.—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages and allowances in lieu thereof.

(3) When the employment of a registered dock worker with the Board has been terminated under sub-clause (1) or (2) his name shall forthwith be removed from the register or record by the Administrative Body.

51. Appeals by Workers.—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table may prefer an appeal against such order to the authority specified in column (3) of the said Table:

TABLE

Authority passing order	Order made under	Appellate Authority.
1	2	3
Labour Officer or Administrative Body	Clause 47 or 48.	Deputy Chairman.
Deputy Chairman	Clause 47 or 48.	Chairman.
Chairman	Clause 47 or 48.	Central Government.

(2) A worker who is aggrieved by an order—

(i) placing him in a particular group in the register or record; or

(ii) refusing registration under clause 20; or

(iii) requiring him under item (b) of sub-clause (4) of clause 40 to undertake any work which is not of the same category to which he belongs;

may prefer an appeal to the Chairman.

(3) If the services of a monthly worker are terminated by an employer for an act of indiscipline or mis-conduct, he may prefer an appeal to the Chairman within 14 days from the date of receipt of the order appealed against. The Chairman may make or cause to be made such further investigation into the case as he may deem fit and thereafter pass his order.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers whose names are to be removed from the register or record in order to reduce the size thereof;

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred in sub-clause (1), (2), or (3) or (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final and conclusive;

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

52. Appeals by Employers.—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under item (i) of sub-clause (1) of clause 48 may appeal to the Deputy Chairman, whose order shall be final and conclusive and there shall be no appeal against it.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under item (ii) of sub-clause (1) of clause 48, he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under sub-item (a) of item (ii) of sub-clause (1) of clause 48 shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under sub-item (b) of item (ii) of sub-clause (1) of clause 48, the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore who has been refused registration under item (c) of sub-clause (1) of clause 17 may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 48, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clause (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of registered employers of which he is a member or by a registered employer.

53. Power of revision of the Chairman and the Deputy Chairman.—Notwithstanding anything contained in this Scheme, the Chairman, in the case of an order passed by the Deputy Chairman under clause 48, or the Deputy Chairman, in the case of an order passed by the Personnel Officer or the Labour Officer, as the case may be, under the said clause, may at any time, call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer, or the Labour Officer, as the case may be, had passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he thinks fit:

Provided that the Chairman or the Deputy Chairman shall not pass an order under this clause prejudicially to any person without giving him a reasonable opportunity of being heard.

54. Stay of order in case of certain appeals.—Where an appeal is lodged in accordance with the provisions of clause 51 or 52, the appellate authority may suspend the operation of the order under appeal, pending the hearing and disposal of the appeal.

55. Special provisions for action in an emergency.—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

(i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, 'go-slow' or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against the worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 46;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages and allowances in lieu thereof; or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances:

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 38 had he not been suspended, provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) Any registered dock worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2), may, within 30 days of the date of receipt of the order, prefer an appeal to the Central Government.

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered workers directly.

56. Cost of operating the Scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made to the Board by registered employers or their authorised agents as approved by the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as or earlier than the payment of gross wages due from him under item (1) of sub-clause (5) of clause 41, as the Board may, from

time to time, prescribe by a written notice to registered employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. The Board may also require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine:

Provided that, where wages are payable to workers at an interval of less than a month, the Board, may at its discretion allow the amounts, other than gross wages, payable under this sub-clause to be paid monthly by such time as the Board may prescribe in this behalf.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in the like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wage bill calculated on the basis of the daily time rate wage and allowances without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish, from time to time, to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) or under item (iii) of sub-clause (5) of clause 41 or any other amount due and payable to the Board in any other capacity or account within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer and charge interest on the amounts due at such rate and from such date as the Board may decide until he pays his dues. If the employer fails to pay his dues within 45 days of the date of issue of the notice, his name shall be liable to be removed from the employers' register without prejudice to other rights of the Board for the recovery of the defaulted amount from such employer.

57. Arrears of dearness allowance, wages and other allowances.—In case of any revision of dearness allowance or grant of revised wages or other allowances, with retrospective effect, in pursuance of any award or recommendation of any Board or Body set up, or of any order made, by the Central Government, the Board may, out of its funds, pay the registered workers arrears upto the date of the award or, as the case may be, of the recommendation or order, if the Board so decides.

58. Provident Fund Gratuity and Voluntary Retirement Fund.—(1) The Board in respect of the registered workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary.

(2) The Board shall frame rules for payment of gratuity of registered workers.

(3) The Board shall, if necessary, make suitable provisions for a Voluntary Retirement Fund and shall frame rules for the same.

59. Dock workers Welfare Fund.—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained and operated by the Administrative Body. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to maintenance and operation of the Fund. In framing such rules, the Board shall provide for the association of workers' representatives with the formulation and implementation of the welfare measures. The day-to-day administration of the welfare measures should, however, be left to the Administrative Body.

60. Industrial Relations.—The Board shall take suitable and effective steps to set up such machinery as it may deem fit to maintain cordial and amicable industrial relations between the employers and the workers under the Scheme.

61. Penalties.—A contravention of clause 42 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

62. Repeal and savings.—(1) The Calcutta Dock Workers (Regulation of Employment) Scheme, 1956 and the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 are hereby repealed:

Provided that any order made, right accrued, penalty incurred or anything done or any action taken under the said Scheme shall so far as may be deemed to have been made, accrued, incurred or done or taken under the Scheme and any reference in any instrument to any provision of the said Scheme shall be deemed to be a reference to the corresponding provision of the Scheme.

(2) Notwithstanding anything contained in sub-clause (1), on the constitution of the Board under clause 4 of the Scheme (hereinafter referred to as the 'New Board')—

- (a) the term of office of the members of the Board constituted under the said Scheme shall expire;
- (b) all property and assets vesting in the Board constituted under the said Scheme shall vest in the New Board;
- (c) all rights, liabilities and obligations of the Board constituted under the said Scheme shall be the rights, liabilities and obligations respectively of the New Board.

SCHEDULE I

[See clause 2(2)]

Classes or descriptions of dock work and dock workers to which the Scheme applies:—

(1) Stevedoring work (other than coal stevedoring and coal bunkering) salt, passenger baggage and mail work.

(2) The following categories of stevedore workers:—

- (a) Deck Foreman.
- (b) Hatch Foreman.
- (c) Winch Driver.
- (d) Sirdar.
- (e) Mate.
- (f) Stevedore Mazdoor.
- (g) Rigger.
- (h) Tally Clerk.
- (i) Salt Worker, Bagger and Stitcher.
- (j) General Mazdoor (Cargo).
- (k) General Purpose Mazdoor.
- (l) Gearman.

SCHEDULE II

[See clause 34]

The minimum number of days in a month for which wages are guaranteed to any category of worker under the Scheme should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:—

- (a) The total number of man-shifts worked every month by the workers of any category in the reserve pool should be recorded.

- (b) The effective strength of the said category of workers in the reserve pool on all the working days of the month should be recorded under the following column headings:—

(1)	(2)	(3)
The effective strength of the workers in the reserve pool on a particular working day shall be	The number of the workers on the reserve pool registered on that day	Number of the workers in the reserve pool on authorised or unauthorised leave plus number of workers in these categories who died or whose services were terminated on that day.

- (c) The effective strength of the workers on all working days in a month obtained under (b) above should be added up and divided by the number of working days in the month to yield the effective strength of these workers during the month.

- (d) (a) should be divided by (c) to yield the average employment per worker per month in this category.

- (e) The averages obtained under (d) above for 12 consecutive months should be added up and divided by 12. The average so obtained shall be fixed as the minimum guarantee for the next 12 months.

For clarification, an example is given below:—

Suppose that an assessment is made in June 1969 and suppose the effective strength of the Winch drivers in the reserve pool and the manshifts worked by them during the period June, 1968 to May, 1969 are as shown under columns (2) and (3) of the Table below:—

TABLE

Month	Effective strength	Total No. of manshifts worked	Average employment per worker per month
1	2	3	4
June 1968	900	10800	12
July "	800	10400	13
August "	700	10500	15
September "	800	12800	16
October "	700	11200	16
November "	900	15300	17
December "	700	11900	17
January 1969	800	10400	13
February "	900	12600	14
March "	700	10500	15
April "	750	12000	16
May "	800	13600	17

Column (3) divided by column (2) will show the average employment per Winchdriver per month and this is shown in column (4) of the Table.

The minimum number of days in a month for which wages should be guaranteed for the Winchdrivers during the period June 1969 to May 1970 will be

$$12 + 13 + 15 + 16 + 16 + 17 + 17 + 13 + 14 + 15 + 16 + 17 = 157.08$$

12

After rounding to the nearest day by = 15 days.

If a new category of worker is registered, the minimum guarantee for this category to start with will be determined as has been provided in the principles relating to the registration of new categories of workers mentioned in clause 20(2) of the Scheme.

Similar calculation should be made in June, 1970 and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

SCHEDULE III

(1) *Duties and Functions of the General Purpose Mazdoor.*—The types of dock work that a general purpose mazdoor may be called upon to perform are mainly the following:—

- (a) Cleaning of cargo holds or tanks, bilges, beams, decks, tunnels, alleyways or any other part of the ship required to be cleaned.
- (b) Collection of cargo sweepings aboard ships or ashore, filling them in bags or other packings and removal or handling of same.
- (c) Handling, supplying and laying of dunnage wood, matting, pallets or any other cargo-separation media.
- (d) Handling of gunny bales (used for supply of empty gunnies for bagging of bulk cargo on board or ashore) including opening of bales and distribution of gunny bags to different work points on board a vessel or in a shed.
- (e) Writing by hand or by stencil of import and export packages with stencil or paint mark either on aboard ship or ashore and also sealing damaged and/or repaired packages on board or ashore.
- (f) Fixing or dismantling of all temporary wooden or metal structures or fixtures used for stowing or unstowing of cargo. Repairing, cooping of all cargo packing whether on board or ashore or in cargo lighters working alongside.
- (g) Any other work of general nature connected with the loading and unloading operation of a vessel, which is not the scheduled work of any other specific category of dock workers, as and when required by the employers.

(2) *Duties and Functions of the Gearmen.*—(i) Loading, unloading, handling, stacking and accounting of gear at the employer's gear godown;

(ii) Loading and unloading of trucks containing gear at the vessel's berth and loading, unloading and handling of same on to or from the ship;

(iii) Stacking, handling, distribution and account of gear on board ships as per directions of the employers; and

(iv) Oiling, cleaning and maintenance of gear as per directions of the employers on board vessels and in employers' gear godown.

SCHEDULE IV

General Mazdoor (Cargo)

These workers shall serve to fill the shortfall in demands of Baggers, Stickers, Salt workers, Stevedore Mazdoor as and when they occur and shall be deployed in accordance with any rules that may be framed by the Board in this regard.

SCHEDULE V

Limits of the Port of Calcutta to which the Scheme applies:—

On the North—A line drawn due east across the river Hooghly from a pillar at the Southern boundary of Messrs. D. Waldie and Co.'s Chemical Works and Distillery at Konnagar in the district of Hooghly on the right bank of the river to a pillar on the left bank of the river near Panhati in the district of the 24-Parganas.

On the South—A line drawn from a masonry pillar placed at the mouth of the Budge-Budge Khal to a pillar on the right bank (Howrah side) of the river Hooghly, bearing north west of the first named pillar.

(As per Government of Bengal Notification No. 13-Marine dated 14th February 1929).

Payment by result Scheme for Dock Workers of the Port of Calcutta.

Short title and scope.—(1) The Scheme may be called payment by Result Scheme (hereinafter referred to as this Scheme).

(2) The Scheme shall apply only to the categories of workers as detailed below:—

(i) Deck foremen, hatch foremen, tally clerks, Sirdars, Winchmen and Gang Workers, registered under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956.

(ii) Sirdars Supervisors, Stitchers and Baggers, Chamachiyas and Slicemen listed and temporarily listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957.

2. Processing Wage.—The processing wage of the different categories of workers will be:—

(a) For Workers under Clause 1. (i):

Categories	Processing Wage
	Rs.
Deck Foreman	11.25
Hatch Foreman	8.25
Tally Clerk	7.31
Winchman	5.75
Sirdar	8.25
Mate	6.25
Khamall	5.75
Rollia	4.81

(b) For Workers under Clause 1.(ii):

Categories	Processing Wage
	Rs.
Sirdar/Supervisor	11.00
Stitcher	6.00
Bagger	4.75
Slicemen	5.75
Chamachiya	5.12

3. Manning Scale.—(i) Only one stevedoring gang (consisting 1 Sirdar, 1 Mate, 4 Khamallas and 3 Rollias) will be employed per hook irrespective of the weight of cargo on the hook.

(ii) For each hook requiring Baggers and Stitchers of bulk cargo, the following workers will be booked:—

Sirdar Supervisor	1
Baggers	8
Stitchers	4

(iii) **Relieving Winchmen.**—One additional Winchman will be provided to relieve every six working Winchmen. The relieving Winchman or Winchmen will be paid the average of the piece-rate wages of the Winchmen relieved.

(iv) If on any shift the number of workers reporting for work is below full strength and if the vacancy cannot be filled, the wages as determined under paragraph 6 of the unfilled categories shall be divided amongst those present.

(v) When Slicemen and/or Chamachiyas are engaged as bagging in handling bulk cargoes they will be entitled to the processing wage of their respective categories.

4. Unit of performance for all shifts:

Types of Cargo	Tonnes
1. Bag cargo all type including food.	55
2. Jute Gunnies or Jute products.	50
3. Iron all types including unfabricated Steel, Scrap Iron.	50
4. Pig Iron.	55
5. Tea.	37
6. Tea (palletised).	70
7. Fertiliser (in bulk).	60
8. Fertiliser (in bags).	45
9. Drums (all types).	50
10. All Ore (including trimming) other than at No. 5 K.G. Docks.	45
11. Ore at 5 K.G. Docks.	80
12. Paper, Wood Pulps, etc.	50
13. General Cargo.	35

NOTES.—(1) Individual packages, excluding unitised loads, weighing over five tonnes, will be considered 'heavy lift' cargo. Heavy lift cargo will be time-rated.

(2) When the same gang or hook in the same shift handles more than one type of cargo, payment will be made at the rate applicable to the type, under which the larger or largest percentage of the total cargo falls.

5. *Minimum output per hook per shift.*—The minimum output per hook per shift shall be twice the unit of performance shown in paragraph 4, except when work is held up for reasons beyond the control of the workers. All workers shall work for the full duration of each shift.

6. (i) *Payments for outputs at different levels:*

Levels of Output	Payments
(a) One unit	Processing wage (PW.) plus W.B.I.
(b) Two units	(2 × PW) plus W.B.I.
(c) Three units	(3 × PW) plus W.B.I. plus Rs. 2/-.
(d) Four units	(4 × PW) plus W.B.I. plus Rs. 5/-.
(e) Five units	(5 × PW) plus W.B.I. plus Rs. 3/-.
(f) For every unit in excess of 5 units	One additional PW in addition to wages fixed for five units.

NOTE.—W.B.I. means the increase in daily emoluments of a worker as a result of the orders passed by Government on the report of the Wage Board for Port and Dock Workers.

(ii) When the output of a worker is below one unit, except for reasons beyond his control, he will be paid the processing wage. In such cases, when he is paid only the processing wage, it will be open to him to make a representation to the Dock Labour Board that his low output was due to reasons beyond his control and ask for wages at the one unit level.

(iii) For outputs in excess of complete unit levels, the workers shall be paid *pro-rata* at a rate equal to the difference between the completed unit and the next higher unit.

Example.—Unit being worked is 50 tonnes. Output in the shift is 175 tonnes, i.e. 25 tonnes above stage (c). The payment shall be full stage (c) payment plus $25/50 \times$ 'difference between (c) and (d), i.e. plus $25/50 \times$ (PW Rs. 3/-)'.

(iv) If work is available for at least half the shift hours, the workers must produce the full unit level output to be entitled to the W.B.I. If work is not available for at least half the shift hours, the workers shall be paid the W.B.I. irrespective of output.

7. *Idle Time*.—Since units of performance have been fixed taking into account the average loss of handling time that is occasioned in the course of stevedoring work at Calcutta, there shall be no separate payment for any idle time.

8. *Determination of Hook Output*.—(a) For cargo landed into boats, the employers will maintain a hook-wise tally of all cargo so landed by Tally Clerks authorised by the Board under the **Calcutta Dock Workers (Regulation of Employment) Scheme, 1970**:

- (i) For packaged cargo upto and including five tonnes, the Bill of Entry or manifest weights shall be the basis for converting the tallied quantities into tonnes.
- (ii) For bulk cargo landed after bagging on board, the conversion into tonnes shall be governed by paragraph 10.
- (iii) For bulk cargo landed in bulk, the tally shall be of the number of slings and the conversion to tonnes shall be governed by paragraph 9.

(b) For cargo shipped overside from boats, the employers will maintain hook-wise tally of all cargo so shipped by Tally Clerks authorised by the Board under the **Calcutta Dock Workers (Regulation of Employment) Scheme, 1970**.

- (i) For packaged non-heavy lifts, the Boat-note or Shipping Bill Weights shall be the basis for converting the tallied quantities into tonnes.
- (ii) For bulk cargoes such as scrap, mill scale etc., the tally shall be the number of slings and the conversion into tonnes governed by the Boat-note Tonnage.

(c) For Cargo Landed Ashore (i) In the case of homogeneous packed cargo, including originally bagged cargo and bulk cargo bagged on board or ashore, the Port Commissioners, on the basis of the connected shore gangs output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the tonnage landed by each hook during each shift. In all such cases when the stack counting is done jointly with the shore gang sirdar and is recorded at the end of the shift by the Calcutta Port Commissioners' staff, a copy of the record shall be made available to the stevedores' representative soon after the end of the shift concerned. For bulk cargo bagged on board or on shore the conversion factor shall be determined as per provisions of paragraph 10.

(ii) In case of miscellaneous or heterogenous general import, packages upto and including 5 tonnes in weight the Port Commissioners, on the basis of the connected shore gang's output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the periods for which each hook landed such cargo and the total weight of such cargo landed, based on a certificate of landing signed or countersigned by the Officer on duty of the vessel for each shift of work.

(iii) In case of bulk cargo landed in bulk.—whenever the number of slings handled by each hook or shift is recorded by the Port Commissioners for each hook or shift, a copy of the record shall be made available to the stevedores' representatives soon after the end of the shift concerned. The Port Commissioners on the basis of the connected shore gangs output shall issue certificates to the Dock Labour Board and stevedore employers showing the tonnes landed by each hook. The conversion of slings into tonnes being governed by the provisions of paragraph 10.

(d) For Cargo Shipped from Shores (i) In case of general exports, the Port Commissioners, on the basis of the connected shore gang's output, shall issue certificates to the Dock Labour Board and also to the stevedore employer showing the tonnages shipped by each hook on each shifts. Such certificates shall show all the details supplied to the Sirdar of the shore gangs and noted in their gang handbook.

(ii) In case of Pig Iron, Ores, Scrap and other bulk cargo, whenever the number of slings handled by each hook and/or the individual number of wages involved is recorded by the Port Commissioners for each shift, a copy of the record will

be made available to the stevedores' representative soon after the end of the shift concerned. The Port Commissioners, on the basis of the connected shore gang's output, will issue certificates to the Dock Labour Board and representatives of stevedores showing the tonnage shipped by each hook or shift, the conversion of slings into tonnes being governed by provisions of paragraph 10.

9. *Determination of the total weight of Bulk Cargoes.*—(i) For shiploads.—the total weight of cargo on board shall be determined by a draft survey by competent surveyors appointed by ship owners/agents/charterers.

(ii) For parcel cargoes, the bill of lading weight or the Mate's Receipt Weight shall be taken as the total weight.

10. *Conversion of Number of Slings/Bags into Tonnes.*—(i) For all bulk or bag cargo landed or shipped, excluding cargo not standardised ashore, the total slings landed or shipped by each hook shall be converted into tonnes by the current conversion factor as adopted by the Port Commissioners for shore labour. Whenever it is found that payment has been made incorrectly to an extent greater than 2 per cent, the amounts under-paid or over-paid shall be adjusted *pro-rata* to or from all the workers concerned.

(ii) For cargo landed in bulk and bagged and standardised ashore the number of bags standardised at each hook multiplied by the standard weight per bag will determine the weight of cargo landed by the hook.

11. *Increase in Basic Pay and Allowances.*—Increase in daily basic pay and other allowances and the daily component of Dearness Allowances, as may be sanctioned by the Dock Labour Board from time to time, will be added as a differential to the incentive wage of each worker.

12. *Night Allowance.*—When called upon to work in the second and third shifts, night allowance as prescribed by competent authorities, will be added as differentials to each worker's incentive earnings.

13. *Overtime Allowance and Holiday Allowance.*—When called upon to work on holidays or do overtime work, all workers will be entitled to holiday and/or overtime allowance as sanctioned by the Dock Labour Board, from time to time, in addition to their incentive earnings under this Scheme.

14. *General.*—(i) Other conditions of service will remain unchanged.

(ii) The Chairman of the Port, who is also the Chairman of the Dock Labour Board, should appoint a Standing Committee consisting of representatives of the Port Commissioners, Dock Labour Board, Stevedore employers, shore labour and stevedore labour; to go into difficulties that may arise in the day to day working of this Scheme.

(iii) After this Scheme has worked for a year, it should be reviewed by a Committee to be appointed by Government.

Incentive Tonnage Scheme for Salt Workers of the Port of Calcutta

1. *Short title and Scope.*—(a) The scheme may be called Incentive Tonnage Scheme for Salt Workers (hereinafter referred to as the Salt Scheme).

(b) The Salt Scheme shall apply to the following categories of workers :

All Foremen, Sardar-Supervisors Winchmen, S'imemen: Chamachiyas and Chapadars, Weighment Incharges, Weighment Supervisors, Weighment, Clerks, (listed under the Calcutta Unregistered Dock Workers Regulation of Employment) Scheme, 1957, and amended in December 1962 when employed for handling Salt.

2. Manning Scales per Salt hook/scale.---

Category	FINE SALT		CRYSTAL SALT	
	Union purchase	Swinging Derrick	Union purchase	Swinging Derrick
Foreman	1 per shift for whole ship		1 per shift for whole ship	
Sirdar-Supervisors*	3	3	2	2
Winchmen†	2	2	2	2
Slicemen	8	8	**	**
Chamachiyas (Hold)	12	12	12	12
Chamachiyas (Machar)	4	4	4	4
Chamachiyas (Guy)	*	4	**	4
Chapadars	2	2	2	2
Weighment Clerks††	1	1	1	1
Weighment Supervisors	One per three scales.		One per three scales.	
Weighment Incharge	One per shift for whole ship		One per shift for whole shift	

*Sirdar-Supervisor includes Signallers.

**When necessary for breaking up cake crystal salt.

+Relief for Winchmen .. 1 for every 6 working Winchmen.

++Relief for Weighment Clerk

1 for every 3 working weighment Clerks.

4 Slicemen will be booked normally.

3. *Determination of Hook-output.*—The output of each hook shall be determined according to the tally of the number of tubs discharged as maintained by the Weighment Clerk employed on the hook.

4. *Rates Table.*—The rates of payments per worker will be as follows:

Tubs 1 to 150 5.5 paise per tub.

Tubs 151 to 200 6.5 paise per tub.

Tubs 201 and above 7.5 paise per tub.

5. *Computation of Wages.*—(a) The wages as determined by application of the above rates table according to output of the hook in number of tubs will be payable to the lowest category of workers, viz. Chamachiya (Hold or Guy). The other categories of workers will be entitled to this amount plus the differentials mentioned in the following clauses. In addition, all workers will be entitled to their respective W.B.I.

(b) When the output of a scale is below 150 tubs except for reasons beyond the control of the workers, they will be paid the actual wage earned on the undernoted wages whichever is higher:—

Category	Wages
1. Foreman	11.25
2. Sirdar/Supervisor	11.00
3. Winchman	5.75
4. Sliceman	5.75
5. Chamachiya (Machan)	5.19
6. Chamachiya (old & Guy)	5.12
7. Chapadar	5.19
8. Weighment Clerk	9.25
9. Weighment Supervisor	10.25
10. Weighment Incharge	11.25

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In such cases, (i.e. when they are paid only the wages mentioned above it will be open to them to make representation to the Dock Labour Board stating that the low output was due to the reasons beyond their control and ask for payment of WBIs.

(c) W.B.I. means the increase in daily emoluments of a worker as a result of the orders passed by the Government on the report of the Central Wage Board for Port and Dock Workers.

6. (a) *Wage differentials of different categories of workers:*

Category	Wage differential	W.B.I.
	Rs.	
Foreman.	6.13	..
Sardar Supervisor	5.88	..
Winchman	0.63	..
Sliceman	0.63	..
Chamachiya (Machan)	0.07	..
Chapadar	0.07	..
Weighment in Incharge	6.13	..
Weighment Supervisor	5.13	..
Weighment Clerk	4.13	..

(b) (i) The Winchmen and Foremen will get an additional differential of Rs. 2/- per shift.

(ii) The Weighment Clerks, Weighment Incharge and Weighment Supervisors will get an additional differential of Rs./- 1 per shift.

7. *Incentive wages of workers concerned with more than one hook.*—(a) The Foreman and the Weighment Incharge will be entitled to the average of the incentive wages applicable to the workers of all the hooks which worked during the shift.

(b) The Weighment Supervisor(s) will be paid the average of the incentive wages of the hooks that he/they supervise.

These categories will be entitled to incentive wages provided the Chief Officer/Officer-on-duty of the vessel certifies that their supervision during the shift has been satisfactory.

(c) The relieving Winchmen and relieving Weighment Clerks will be paid the average of the incentive wages of the man he/they relieve(s).

8. *Night Allowance.*—When called upon to work in the second and third shifts, night allowance as prescribed by competent authorities, from time to time, will be added as differentials to each worker's incentive earnings.

9. *Idle Time.*—There shall be no separate payment for any idle time.

10. *Disappointment Money.*—The rates and conditions for the payment of Disappointment Money will be as sanctioned by the competent authority from time to time.

11. *Overtime Allowance and Holidays Allowance.*—When called upon to work on holidays or on overtime, all workers will be entitled to holiday and/or overtime allowance as sanctioned by the competent authority from time to time in addition to their earnings under the Salt Scheme.

12. *General.*—(i) Other conditions of service will remain unchanged.

(ii) The Chairman of the Dock Labour Board, should appoint a Standing Committee consisting of representatives of the Port Commissioners, Dock Labour Board Stevedore employers, Stevedore labour to go into difficulties that may arise in the day to day working of the Salt Scheme.

(iii) After the Salt Scheme has worked for a year, it should be reviewed by a Committee to be appointed by Government.

[No. 53/27/69-Fac. II.]

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S.O. 1986.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act 1948 (9 of 1948), the Central Government hereby makes the following Scheme for the Port of Calcutta, the same having been previously published as required by the said sub-section, namely:—

THE CALCUTTA CHIPPING AND PAINTING WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1970

1. Short title and commencement.—(1) This Scheme may be called the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970.

(2) It shall come into force on the 1st day of July 1970.

2. Objects and application.—The objects of the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970 (herein after referred to as the Scheme) are to ensure:—

- (i) greater regularity of employment of Chipping and Painting workers by maintaining an adequate but not more than adequate number of such workers.
- (ii) the achievement of efficient performance in dock work and attainment of satisfactory levels of productivity by the Chipping and Painting workers.
- (iii) progressively, more and more full monthly employment for the Chipping and Painting Workers under the Registered Employers, and thus fulfil the ultimate objective of complete decasualisation of the work-force.

(2) The Scheme relates to the port of Calcutta within the limits specified in Schedule III and applies to the classes or descriptions of Chipping and Painting work and Chipping and Painting workers set out in Schedule-I:

Provided that the Scheme shall not apply to any Chipping and Painting worker who is not specified in Schedule-I.

(3) The Scheme shall apply to registered Chipping and Painting workers specified above and their registered employers, and does not apply to the workers:—

- (a) engaged in any class or description of work carried out by the Calcutta Port Commissioners.
- (b) engaged in any class or description of work carried out at the wharves or by Ships' articulated Crew (excluding harbour Crew).
- (c) engaged in any class or description of work carried out in relation to any ship of the Indian Navy or any cargo carried by any ship that is declared for restrictive handling by the defence authorities.

3. Interpretation.—In the Scheme, unless there is anything repugnant in the subject or context:—

- (a) "the Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
- (b) "Administrative Body" means the Administrative Body appointed under Clause 5;
- (c) "Board" means the Calcutta Dock Labour Board constituted under the Dock Workers Regulation of Employment) Act, 1948 (9 of 1948);
- (d) "Chairman" means the Chairman of the Calcutta Dock Labour Board;
- (e) "Deputy Chairman" means the Deputy Chairman of the Calcutta Dock Labour Board;
- (f) "dock employer" means the person by whom a Chipping and Painting worker is employed or to be employed and includes a group of dock employers formed under item (f) of sub-clause (1) of clause 16;
- (g) "dock work" means operations at places or premises to which the Scheme relates, ordinarily performed by the dock workers of the classes or descriptions to which the Scheme applies;
- (h) "employers register" means the register of employers of Chipping and Painting workers maintained under the Scheme;
- (i) "Labour Officer" means the Labour Officer appointed by the Administrative Body under clause 13;

- (j) "monthly worker" means a registered Chipping and Painting worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which required for its termination at least one month's notice on either side;
- (k) "Personnel Officer" means the Personnel Officer appointed by the Board under Clause 6;
- (l) "pool worker" means a registered Chipping and Painting Worker who is not a monthly worker;
- (m) "register of record" means the register or record of Chipping and Painting workers maintained under the Scheme;
- (n) "registered Chipping and Painting worker" means a Chipping and Painting worker whose name is for the time being entered in the register or record;
- (o) "registered employer" means a Chipping and Painting employer whose name is for the time being, entered in the employers' register;
- (p) "reserve pool" means a pool of registered Chipping and Painting workers who are available for work and who are not for the time being in the employment of a registered Chipping and Painting employer or a group of dock employers as monthly workers;
- (q) "vessel" means an ocean-going vessel or ship whose gross registered tonnage is not less than 350 tonnes and excludes all crafts belonging to the Calcutta Port Commissioners;
- (r) "week" means the period commencing from the midnight of any day in the week and ending on the midnight of the corresponding day of the following week.

4. Constitution of the Board.—The Board shall be constituted in accordance with rule 3 to 7 of Dock Workers (Regulation of Employment) Rules, 1962.

5. Administrative Body.—(a) The Central Government may by notification in the Official Gazette appoint a body consisting of such employers of Chipping and Painting workers as the Central Government may nominate in this behalf to be the Administrative Body and the body of employers so nominated shall appoint one person as the President of the Administrative Body.

(b) The Central Government may for sufficient cause remove or supersede any Administrative Body appointed under sub-clause (a), provided that the Administrative Body shall not be removed or superseded unless it has been given reasonable opportunities of being heard.

(c) The Administrative Body shall subject to the supervision and control of the Board and the Chairman and subject to the provision of clauses 45 and 46 carry out the day to day administration of the Scheme.

(d) If the Body consisting of employers of Chipping and Painting workers is not appointed as an Administrative Body or the Administrative Body is removed or superseded by the Government for any reason, the Deputy Chairman shall then constitute the Administrative Body.

(e) If the Deputy Chairman constitutes the Administrative Body he may be assisted by an Administrative Superintendent in the discharge of his function under clause 12.

(f) The Deputy Chairman when he is the Administrative Body may with the approval of the Chairman, delegate in writing to the Administrative Superintendent any of the functions under clause 12.

6. Administrative Superintendent, Personnel Officer and other servants of the Board.—The Board may appoint an Administrative Superintendent, a Personnel Officer and such other officers and servants and pay them such salaries and allowances and prescribe such terms and conditions of the service as it deems fit;

Provided that no posts the maximum salary of which exclusive of allowances is rupees one thousand and above per mensem shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government.

Provided further that the sanction of the Central Government shall not be necessary to any appointment in leave vacancy of duration of not more than 3 months.

7. Functions of the Board.—The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2 including measures for:—

- (a) ensuring adequate supply and full and proper utilisation of Chipping and Painting workers for the purpose of facilitating rapid and efficient performance of Chipping and Painting work in the port;
- (b) fixing subject to the approval of the Central Government the number of workers to be registered under various categories, after determining the number required under each category;
- (c) regulating the recruitment and entry into and the discharge from the Scheme of Chipping and Painting workers and the allocation of registered Chipping and Painting workers in the reserve pool to registered employers;
- (d) determining and keeping under review, in consultation with the Administrative Body, the number of registered employers and registered Chipping and Painting Workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such registers or records if the said review warrants the same for better efficiency and economy of operations;
- (e) keeping adjusting and maintaining the employers' registers, entering or re-entering therein the name of any Chipping and Painting employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (f) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary of Chipping and Painting workers including any registers or records of Chipping and Painting workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body, and where circumstances so require, removing from any register or record the name of any registered Chipping and Painting workers either at his own request or in accordance with the provisions of the Scheme;
- (g) the grouping or re-grouping of all registered Chipping and Painting workers into such groups as may be determined by the Board after consultation with the Administrative Body, and thereafter reviewing the grouping of any registered Chipping and Painting workers on the application of the Administrative Body or of the registered Chipping and Painting workers;
- (h) restricting the number of categories, in the event of new registrations, by having as much flexibility of employment of workers as possible;
- (i) making provisions for the training and welfare of registered Chipping and Painting workers including medical services, in so far as such provision does not exist apart from the Scheme;
- (j) levying and recovering from registered employers, contributions in respect of the expenses of the Scheme;
- (k) making provision for health and safety measures in places where Chipping and Painting workers are employed in so far as such provision does not exist apart from the Scheme;
- (l) maintaining and administering a Provident Fund, Gratuity Fund and Voluntary Retirement Fund and any other fund or funds for specific purposes for registered Chipping and Painting workers;
- (m) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including health, safety, training and welfare measures for Chipping and Painting workers (including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of Chipping and Painting workers and the staff of the Board) and no portion thereof shall be paid or transferred directly or indirectly

by way of dividend, bonus or otherwise by way of benefit to the members of the Board, provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board nor prevent the payment of interest at a reasonable rate of money lent or reasonable and proper rent for premises demised or let, by any members to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government:—

(i) as soon as may be after the first day of April in every year and not later than the thirty first day of October, an annual report on the working of the Scheme during the preceding year ending the thirty first day of March together with an audited Balance Sheet; and

(ii) copies of proceedings of the meetings of the Board.

8. Responsibilities and duties of the board-in-meeting:—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may:—

(a) sanction the temporary registration of a specified number of workers in any category for a specified period and under specified terms and conditions;

(b) consider registration of new employers on the recommendation of the Chairman;

(c) prescribe forms, records, registers, statements, and the like required to be maintained under the scheme;

(d) determine the wages, allowances and other conditions of service and revise the guaranteed minimum wages in a month after annual review;

(e) fix the rate of levy under clause 54;

(f) fix the rate of contribution to be made by registered employers to the Dock Workers' Welfare Fund;

(g) appoint, abolish or reconstitute committees under clause 38;

(h) sanction the Annual Budget;

(i) appoint the Personnel Officer and the Administrative Superintendent;

(j) subject to the provisions of clause 6, sanction the creation of posts and make appointments to such posts;

(k) make recommendations to the Central Government about changes in Schedule I;

(l) make recommendations to the Central Government about any modifications in the Scheme;

(m) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;

(n) discuss statistics of output of labour and turnaround of ships and record its observations and directions;

(o) sanction the opening of accounts in such Scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct; and

(p) create and administer fund or funds for specific purposes.

9. Annual estimates.—The Chairman shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget as received from the Administrative Body under sub-item (vi) of item (h) of clause 12, for the year commencing on the first day of April then next ensuing in such details and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

10. Responsibilities and duties of chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day to day administration of the Scheme and in particular:—

- (a) to ensure that the decision of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;
- (b) to ensure that the sanctions for temporary registration of workers are carried out without delay;
- (c) (i) to supervise and control the work of the Administrative Body or the Administrative Superintendent;
- (ii) to take suitable steps if any irregularities are detected by him or brought to his notice,
- (d) to ensure that proper and adequate supervision as laid down by the Board is provided by the registered employers over the workers employed on their ships;
- (e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers, are carried out;
- (f) to constitute Medical Boards when required;
- (g) to ensure that conditions, laid down in the Scheme, for the registration of employers are complied with by them;
- (h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;
- (i) to ensure that suitable statistics in regard to the output of labour and the turnround of ships are compiled and placed before the Board every quarter with appropriate remarks and explanation;
- (j) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees six hundred per mensem and to make appointments to such posts;
- (k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;
- (l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;
- (m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;
- (n) to declare 'a state of emergency' and to take action as authorised under the Scheme;
- (o) to make a report, when necessary, to the Central Government under rule 5 of the Dock Workers (Regulation of Employment) Rules, 1962;
- (p) to sanction the transfer of a monthly worker to the reserve pool and vice versa at the request of the employer or the worker, as provided for in the Scheme;
- (q) to deal with appeals from workers and employers under clauses 49 and 50;
- (r) to fill an unexpected vacancy in the post of Deputy Chairman for a period of less than one month and report such matter to Central Government for approval; and
- (s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may delegate in writing to the Deputy Chairman any of the functions under sub-clause (1) excepting those mentioned in items (j), (m), (n), (o), (q), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

11. Responsibilities and duties of the Deputy Chairman.—The Deputy Chairman shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

- (a) discharge such functions relating to disciplinary action against registered employers and Chipping and Painting workers as permitted under clause 46;
- (b) exercise such other functions as are delegated to him in writing by the Chairman;
- (c) function as Chairman of Committees of the Board of which he may be nominated as a member;
- (d) preside over the meetings of the Board in the absence of the Chairman;

- (e) carry out the functions of the Administrative Body as laid down in clause 12, if the Administrative Body consisting of employers of Chipping and Painting workers is not constituted; and
- (f) make appointments to posts the maximum salary of which exclusive of allowances is not more than five hundred and seventy five rupees per mensem.

12. Functions of the Administrative Body.—Without prejudice to the powers and functions of the Board, the Chairman and the Deputy Chairman, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for:—

- (a) keeping, adjusting and maintaining the employer's register, entering or re-entering therein the name of any dock employer and where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;
- (b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary, of Chipping and Painting workers, including any registers or records of Chipping and Painting workers, who are temporarily not available for Chipping and Painting work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered Chipping and Painting worker either at his own request or in accordance with the provisions of the Scheme and to carry out recruitment in any category of Chipping and Painting workers as sanctioned by the Board from time to time;
- (c) discharge all functions to the extent permitted under clauses 45 and 46;
- (d) maintaining and administering the Chipping and Painting workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules of the Fund framed under clause 57;
- (e) the grouping or regrouping of registered Chipping and Painting workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;
- (f) the employment and control of registered Chipping and Painting workers available for work when they are not otherwise employed in accordance with the Scheme;
- (g) the allocation of registered Chipping and Painting Workers in the reserve pool who were available for work to registered employers and for this purpose the Administrative Body shall:—
 - (i) be deemed to act as an agent for the employer;
 - (ii) make the fullest possible use of registered Chipping and Painting workers in the reserve pool;
 - (iii) keep the record of Attendance at call stands or control points of registered Chipping and Painting workers;
 - (iv) provide for the maintenance of records of employment and earnings;
 - (v) subject to the allotment of work by rotation under sub-clause (3) of clause 31, allocate workers, in accordance with clauses 21 and 32; and
- (vi) make necessary entries in the attendance and wage cards of workers in the reserve pool as laid down in clause 29.
- (h) The Administrative Body shall also be responsible for:—
 - (i) the collection of levy, contribution to the Chipping and Painting workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;
 - (ii) the collection and operation of workers' contribution to the Provident Fund or any other fund which may be constituted under the Scheme;
 - (iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the workers from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme;

- (iv) appointing, subject to budget provision such officers and servants from time to time as may be necessary.

Provided that the creation of posts the maximum salary of which exclusive of allowances is above rupees five hundred per month and appointment of persons to such posts shall be subject to item (j) of clause 8 and item (j) of sub-clause (1) of clause 10;

- (v) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance sheet;
- (vi) the framing of the budget annually, submitting the same to the Board on or before fifteenth day of February in each year and getting it approved by the Board;
- (vii) maintaining complete service records of all registers Chipping and Painting workers;
- (viii) authorising the employment of unregistered Chipping and Painting workers in case registered Chipping and Painting workers are not available for work in the reserve pool or in such other circumstances as the Chairman may approve;
- (ix) such other functions as may from time to time, subject to the provisions of the Scheme, be assigned to it by the Board, the Chairman or the Deputy Chairman.

13. Labour Officer.—The Administrative Body, when it consists of employers of Chipping and Painting workers, shall appoint a Labour Officer or Labour Officers with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative body, carry out such functions as may be assigned to him by that body consistent with the provisions of the Scheme and shall in particular carry out functions vested in him under clauses 45 and 46.

14. Functions of the Personnel Officer.—The Personnel Officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carrying out functions vested in him under clause 46.

15. Officers appointed by the Central Government for proper working of the Scheme.—(1) Notwithstanding the provisions of clauses 5, 6, 12 and 14, the Central Government may in its discretion appoint from time to time in consultation with the Chairman one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such Officer or Officers shall be subject to the general supervision and control of the Chairman paid from the funds of the Board. Such Officer or Officers shall hold office for such period and on such terms and conditions as the Central Government may determine.

16. Maintenance of Registers etc. (I) Employers' register.—(a) There shall be a register of employers, deemed to have been registered or registered, under item (b) or item (c) as the case may be.

(b) In so far as the application of the Scheme to the Chipping and Painting labour is concerned, the Chipping and Painting employer who on the date of commencement of the Scheme is under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 and who has had Chipping and Painting work for two years prior to this Scheme and who has no outstanding liabilities remaining to be paid to the Board shall be eligible for registration under the Scheme.

(c) Persons or firms other than those who are deemed to have been registered under item (b) shall not be registered as Chipping and Painting employers unless the Board considers it expedient and necessary to do so and in no case shall a person or a firm be registered unless he or it has been licensed in that behalf by the Calcutta Port Commissioners.

(d) If the licence of any registered employer is not renewed by the Calcutta Port Commissioners it shall automatically result the name of the employer being suspended from the employers' register.

(e) A registered employer who has had no work for two consecutive years shall be liable to have his name removed from the employer's register.

(f) The Board may, subject to such conditions as it may, with the previous approval of the Central Government prescribe in this behalf, permit persons registered

under item (b) or (c) to form one or more groups and each group so formed shall be treated as one employer only for employment of monthly workers; such group or groups of employers must also obtain a licence from the Calcutta Port Commissioners in order to operate as employer of Chipping and Painting workers in the port:

Provided that the Board shall have power to make, with the previous approval of the Central Government such alterations or modifications in the conditions prescribed in items (b) to (e) as it may deem necessary from time to time.

Provided further that the Board may revoke from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations, if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and the said group shall stand dissolved from such date.

(2) **Workers' Register.**—(a) The workers' register shall be maintained in the forms prescribed by the Board for this purpose.

(b) The register of Chipping and Painting workers shall be as under namely:—

(i) **Monthly Register.**—The registered workers who are engaged by each Chipping and Painting employer on contract on monthly basis are known as monthly workers.

(ii) **Reserve Pool Register.**—The registered Chipping and Painting workers other than those on the monthly register are known as reserve pool workers. The Serang or Sirdar category shall mainly be on the monthly register and their allocation to different employers registers shall be decided by the Board.

(c) Full monthly employment of the workers under the registered employers being the ultimate objective of the Scheme, every endeavour should be made to take on more and more workers from the reserve pool to the monthly register. A minimum of 75 per cent of the total requirement of the work-force under the Scheme by the trade should be on the monthly register of the employers, within two years of the Scheme being put into effect.

17. **Classification of Workers on Register.**—(1) The Board shall arrange for the classification of the workers by categories in the registers.

(2) Chipping and Painting workers registered under the Scheme shall be classified into:—

(a) Serang or Sirdar

(b) Tindal

(c) 'A' Mazdoor

(d) 'B' Mazdoor

(e) C(L) Mazdoor.

18. **Fixation of number of workers on the Register.**—The Board shall, in consultation with the Administrative Body, and subject to the approval of the Central Government periodically determine the number of workers required in each category and arrange to adjust the worker register accordingly. The Administrative Body shall, in accordance with the decision of the Board, arrange to register or deregister the workers with the least possible delay. The procedure for de-registration shall be separately laid down by the Board.

19. **Registration of the Existing Workers.**—(1) **Registration of the existing workers in categories (a) to (e) of Schedule I.**—

(i) Any dock worker who on the date of commencement of the Scheme is already listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 shall be eligible for registration under the Scheme if he is:

(a) an Indian National.

(b) medically fit for the work he is doing, and

(c) below 58 years of age;

Provided that any such worker shall be registered provisionally pending confirmation on the expiry of six months of such provisional registration subject to verification of his character and antecedents.

(ii) Notwithstanding anything contained in item 20(i) as regards the requirements of registration any such worker who is 58 years and above but below 60 years shall also be eligible for being registered provided he is found medically fit for the work he is doing in accordance with the provisions of clause 23.

Provided further that subject to provisions of clause 34, any such worker shall be eligible for all benefits of the Scheme including provident fund benefits from the date of his provisional registration.

2. Fresh registration in categories of Schedule I.—(a) Any fresh registration, provisional or otherwise, in any category in which workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange.

(b) Where, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the date of requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made and the upper age limit for such direct recruitment shall be 25 years which in the case of ex-service personnel, may be relaxed upto 45 years by the Dock Labour Board.

3. General:—(a) The Masters of ships may engage the articulated crew excluding harbour crew of the ships for chipping and painting work on their ships. In all other cases, the registered chipping and painting workers shall be employed for such work and on requisition made by registered employers.

(b) The Board may from time to time, permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify. De-registration after the specified period shall be done by the Administrative Body as per terms and conditions of such temporary registration laid down by the Board;

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 35 and shall have the same obligations as registered dock workers in the reserve pool.

(c) Notwithstanding any other provision of the Scheme where it is proved that a dock worker has secured his registration by furnishing false information in his application or has wilfully withheld any information required therein, or where it appears that a worker has secured his registration by adoption of improper or unfair means, the Board in meeting may direct the removal of his name from the register:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause against the proposed action.

20. Age of Retirement.—The age of retirement of any worker, under the Scheme, shall be 58 years:

Provided that where a worker having been listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme 1957 is registered under this Scheme, his age of retirement shall be 60 years, subject to the worker being declared medically fit for the work he is doing on attaining the age of 58 years and annually thereafter until he reaches the age of 60.

21. Promotion and Transfer of Workers:—(1) A vacancy other than a casual vacancy, in any category of workers in the reserve pool register shall ordinarily be filled by selection from the near lower category.

(2) A vacancy, other than a casual vacancy in any category of monthly workers, may be filled only by promotion from lower category of monthly workers belonging to the same employer or group of employers and, if no person is suitable for promotion from the lower category of the same employer or group of employers, by transfer of a worker in the same or superior category from the reserve pool who may be selected by a registered employer or a group of employers.

Explanation:—The criteria for promotion shall ordinarily be:—

(a) merit and fitness for work in the category to which promotion is to be made,

(b) record of past service, and

(c) seniority.

NOTE.—A transfer from the reserve pool register to the monthly register in the same category or *vice-versa* shall not be deemed a promotion

(3) The Chairman and the Deputy Chairman in consultation with the Administrative Body may allocate from time to time such number of pool workers to the monthly registers of the employers as they may deem necessary, in keeping with the objective of progressive and full decasualisation of the work force. The monthly registers of the employers shall for this purpose be subjected to an annual review by the Board.

(4) When a pool worker is transferred to the monthly register, his previous services shall be reckoned for all benefits other than the Provident Fund in the monthly register and the Board shall transfer to the monthly employer all benefits that have accrued to the worker in respect of previous service as if such service had not been transferred. The Board shall, in particular, transfer to the monthly employer such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

(5) The Chairman or the Deputy Chairman may, for sufficient and valid reasons, allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker, as the case may be, explaining fully the reasons for the transfer.

Provided that transfer in respect of a monthly worker to reserve pool shall be subject to the fulfilment of any contact subsisting between the monthly worker and his employer regarding termination of employment;

Provided further that no Sirdar or Serang can ordinarily be transferred to the reserve pool but may for sufficient reasons be temporarily or permanently transferred from one employer to another by the Chairman or the Deputy Chairman in consultation with the Administrative Body.

(6) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (5) his previous services shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous services as if such service had not been transferred. The employer shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave that may be due to him on the date of such transfer.

22. Medical Examination:—(1) A new worker including any worker listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 and who was not medically examined at the time of listing under the said Scheme before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary a worker shall undergo, free of charge, a medical examination by a Medical Board to be constituted by the Chairman. The Chairman shall have authority to terminate the services of a worker found unfit by the Medical Board. The decision of the Medical Board will be final.

23. Facilities for Training.—The Board shall make such provision for training of registered Chipping and Painting workers as it may deem necessary. Emphasis should be given on training in use of mechanical aids to Chipping and Painting work.

24. Registration Fee.—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme.

25. Supply of Cards.—(1) Every registered worker shall be supplied free of cost, with the following cards in the forms prescribed by the Board, namely:—

- (i) Identity Card.
- (ii) Attendance Card.
- (iii) Wage Card.

(2) In case of loss of a card a fresh card will be issued, but the cost thereof, which will be fixed by the Board, shall be payable by the worker concerned.

26. Service Record for Registered Workers.—A 'Service Record' for every pool-worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, such as a complete record of disciplinary actions taken against the workers, promotion and commendations for good work. Such details in respect of monthly workers shall be maintained by the registered employers.

27. Record Sheet for Registered Employees.—The Personnel Officer shall maintain a 'Record Sheet' in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employers.

28. Surrender of Cards.—A worker's card shall be surrendered to the Administrative Body in the following circumstances namely:—

- (a) when proceeding on leave for three days or more;
- (b) when retiring from service;
- (c) when dismissed or discharged from service;
- (d) when temporarily suspended; or
- (e) on death;

Provided that the employer of monthly worker will also surrender the card of the worker to the Administrative Body in the above circumstances:

Provided further that if a worker has not surrendered his card, the dues payable to such a worker shall be withheld to such period of time as the matter is decided by the Administrative Body on merits of each case.

29. Entries in the Attendance Card and Wage Card.—(1) A registered Chip-ping and Painting worker in the reserve pool shall hand over his attendance card and wage card to the Administrative Body at the time he is allocated for work to a registered employer unless any of the cards has already been deposited with the said body previously and has not been returned to the worker. The Administrative Body shall arrange to make necessary entries in the attendance card and the wage card in respect of the work done by the worker and return them to him as soon as the entries have been made.

(2) A monthly worker shall hand over his attendance card and wage card to his employer at the time when he is allotted work on a shift unless any of the cards has already been deposited with the employer previously and has not been returned to the worker. The said employer shall make necessary entries in the cards in respect of the period of work done by the worker and return them to him as soon as the entries have been made.

30. Employment of Workers.—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on monthly register in a particular category is not sufficient for the work available, suitable workers on the reserve pool register shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers except with the previous approval of the Chairman or the Deputy Chairman.

31. Employment in Shifts.—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) A worker in the monthly register shall not be employed for more than 9 shifts in a week or 33 shifts in a month.

(c) Normally a worker in the reserve pool shall not be employed for more than 6 shifts in a week, but when a worker in the monthly register who has not reached the maximum limit of employment defined in item (b) is not available, a reserve pool worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Allotment of workers in rotation shall always be on individual basis.

32. Filling of Casual Vacancies.—Casual vacancies among the monthly workers shall be filled in the following manner, namely:—

(1) When a shortage arises in the category of Tindal due to casual absence the vacancy shall be filled by the senior most Chipping and Painting mazdoor available for work and belonging to the same employer or group of employers. Shortages of Chipping and Painting mazdoors will be met from the reserve pool under requisition.

(2) Casual vacancy in the reserve pool shall be filled in the following manner:—

When a Tindal is absent, the vacancy shall be filled by the senior most Chipping and Painting mazdoor available for work.

33. "Guaranteed Minimum Wages in a Month."—(1) The minimum number of days for which wages are guaranteed to any reserve pool worker may be fixed by the Board for each year on the basis of the monthly average employment obtained by the worker in a reserve pool, during the preceding year, in the category to which he belongs:

Provided that—

(i) the number so fixed shall not in any case be more than 21;

(ii) the workers already listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, shall continue to enjoy the same minimum guarantee as fixed for them under the said Scheme by the Board.

(2) The days on which work is allotted to the worker shall be counted towards the guaranteed minimum number of days for which wages shall be paid. The guaranteed minimum wages in a month shall be:—

(a) for the number of days for which wages are guaranteed in a month, subject to the condition that the worker attended for work on all days in a month as directed by the Administrative Body; or

(b) proportionate to the number of days for which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(3) For the purposes of this clause:—

(a) the wage payable shall be inclusive of dearness and other allowances as prescribed by the Board appropriate to the category to which the worker belongs either substantively or temporarily for a period of a month or more;

(b) any additional shift or shifts worked in a day shall not be separately counted as a day;

(c) a worker on his weekly off day will be deemed to have been on attendance unless he was specifically booked for work by the Administrative Body and had failed to attend.

NOTE:—The method of assessing the average employment is detailed in Schedule-II.

(4) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to any new category of workers who are not already listed under the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under paragraph (e) of sub-clause (2) of clause 19. The annual re-fixation of the minimum number of days as under sub-clause (1) shall be done independently in their cases also.

34. Attendance Allowance.—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance exclusive of dearness and other allowances at the rates noted below, for the days on which during a monthly wage period he attended for work as directed by the Administrative Body and no work was found for him:—

- (i) Rupees 1.75 P. per day for all categories in Schedule—I; and
- (ii) Rupee 1/- per day for any new category that may be registered in future—

Provided that the Board may allow payments of attendance allowance, exclusive of dearness and other allowances, at such higher rates, not exceeding rupees 2/-, as it may deem necessary:

Provided further that no attendance allowance shall be payable for any day for which full wages plus dearness and other allowances have been paid under clause 33 or for which disappointment money has to be paid under clause 36.

35. Employment for a Shift.—No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift, he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid for the entire shift:

Provided that if he is subject to piece-rate wages or incentive wages under any agreement entered into between the registered employers and registered Chipping and Painting workers or any decision of the Board, he shall be paid at the rates laid down therein.

36. Disappointment Money.—(1) When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the daily basic wage, plus full dearness and other allowances for the day appropriate to the category to which he belongs. Any such worker detained for more than 2 hours shall be paid full daily basic wages, dearness and other allowances.

(2) Notwithstanding the provisions contained in sub-clause (1) the Board may prescribe a different rate of disappointment money and the conditions under which it is to be paid.

37. Holidays.—Each worker shall be entitled to 8 holidays in a year with pay at such rates as may be prescribed by the Board under clause 43 including all such days, which shall not exceed 6 in a year, as are declared by the Board as closed holidays. Any payment made under this clause shall be exclusive of the payment calculated under clause 33.

38. Committees.—The Board may appoint one or more Committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a Committee; such co-opted members, however, shall not have any right to vote.

39. Obligations of registered chipping and painting workers.—(1) Every registered Chipping and Painting worker shall be deemed to have accepted the obligations of the Scheme.

(2) A registered Chipping and Painting worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered Chipping and Painting worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body.

(4) A registered Chipping and Painting worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall—

- (a) report at such call stands or control points and at such times as may, be specified by the Administrative Body and shall remain at such call stands or control points—

- (i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or
 - (ii) for such period, not exceeding one hour as may be specified;
 - (b) accept any employment in connection with Chipping and Painting work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body;
 - (c) accept and agree to work under the provisions in Schedule IV or any other such incentive Scheme that may in future be introduced by the Board; and
 - (d) accept and agree to a transfer to the monthly register of any registered employer to whom he might be allocated by the Chairman or the Deputy Chairman.
- (5) A registered Chipping and Painting worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

40. Obligations of registered employers.—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 30 and the relaxation given in sub-clause (2) of clause 19, a registered employer shall not employ for Chipping and Painting work on ships a worker other than a Chipping and Painting worker who has been allocated to him by the Administrative Body in accordance with the provision of the Scheme.

(3) A registered employer shall, in accordance with arrangements made by the Administrative Body, submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed particulars of output by workers on time-rate or piece-rate and such other statistical data as may be required in respect of the registered Chipping and Painting workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times, as the Board may direct, the levy payable under clause 54 and the gross wages due to pool workers.

(ii) A registered employer shall make payments as contributions to the Chipping and Painting Workers' Welfare Fund under clause 57.

(iii) A registered employer shall pay to the Board the monthly Provident Fund subscription recovered from the wages of his monthly workers and the contribution by the registered employers thereon, repayment of Provident Fund loan and interest on Provident Fund Loan within 15 days from the date of recovery. The cost of maintaining the Provident Fund accounts of the monthly workers shall be defrayed by payments to the Board made by the registered employers in such manner and on such basis as might be fixed by the Board from time to time.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be directed by the Board upon reasonable notice all such records and any other documents of any kind relating to registered Chipping and Painting workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

(7) Every registered employer shall maintain such gears, supervisory staff and other personnel and carry out such minimum business per annum as may be specified in the licence for stevedoring to be issued by the port authorities.

(8) A registered employer is permitted to use registered Chipping and Painting workers for the descriptions of chipping and painting work specified in the Scheme, only under a direct appointment as contractor with the Ship-owners, Shipping Companies, Steamer Agents or Masters of ships. The Board may at any time demand production of such appointment documents pertaining to work on any ship, from any registered employer for the purpose of verification.

(9) In keeping with the objects of the Scheme and in accordance with item (c) of sub-clause (2) of clause 16, every registered employer is expected to maintain at least 75 per cent of his total requirement of work force under the Scheme on his monthly register within two years of the Scheme having come into force. With this end in view, the registered employers shall agree to accept such additional allocation of labour from the pool to his monthly register as the Chairman or the Deputy Chairman may decide from time to time in consultation with the Administrative Body.

41. Restriction on employment.—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage, subject to the relaxation given in sub-clause (5) of clause 19, for employment or employ a worker on dock work unless that worker is a registered Chipping and Painting worker.

(2) Notwithstanding the foregoing provisions of this clause—

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered Chipping and Painting worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered Chipping and Painting worker. In selecting such workers, the local Employment Exchange organisation shall as far as possible, be consulted;

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers, and where this is not admissible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) the Board may, subject to such conditions as it may specify, permit employment of unregistered workers on a holiday, if dock work is required to be done on that day, to the extent registered workers are not available for work.

(c) in the case referred to in items (a) and (b) the person so employed as aforesaid by a registered employer shall, for the purposes of sub-clauses (4) to (6) of clause 40 and clause 43 be treated in respect of that dock work as if he were a daily worker.

(3) A registered worker in the reserve pool, may, provided he fulfils fully his obligations under clause 39, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allotted for work by the Administrative Body.

42. Circumstances in which the scheme ceases to apply.—(1) The Scheme shall cease to apply to a registered Chipping and Painting worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer, when his name has been removed from the employers' register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall affect any obligations incurred or right accrued during any time when the person was a registered Chipping and Painting worker or a registered employer.

43. Wages, allowances and other conditions of service of Chipping and Painting workers.—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered Chipping and Painting worker and a registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers from time to time;

- (b) the fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936);
- (c) the Board shall accept and implement the provisions in Schedule IV or any other such Incentive Scheme that may hereinafter be framed and approved by the Central Government;
- (d) the Board shall by regulations relate the wages earned to the actual output of workers as specified in Schedule IV. The regulation for any such future scheme shall be submitted to the Central Government for approval before implementation.
- (e) a worker on the monthly register shall be entitled to the full monthly wages and allowances of the category to which he belongs whether he is allotted work on all days or not;
- (f) the fixation of wage periods, time for payment of wages, and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936);
- (g) notwithstanding the provisions contained in item (d), the Central Government may, if it so decides, set up such other body as it may deem fit for reviewing the Scheme or any part thereof. The decision of the Central Government on the recommendations of the said body shall be final and binding.

44. Pay in respect of unemployment or under employment.—(1) Subject to the conditions set out in this and the next following clause, when in any wage period, a registered Chipping and Painting worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 33, 34 and 36.

(2) The conditions subject to which a registered Chipping and Painting worker is entitled to the said payment, if any, from the Board are that—

- (i) he attended as directed at the call stands or control points; and
- (ii) his attendance was recorded.

45. Disentitlement to Payment.—(1) A registered Chipping and Painting worker who while in the reserve pool fails without adequate cause to comply with the provisions of item (a) or (b) of sub-clause (4) of clause 39, or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered Chipping and Painting worker in the reserve pool, who while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of sub-clause (5) of clause 39 or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and, whether or not he is so returned may be reported in writing to the Labour Officer. When a registered Chipping and Painting worker is so returned to the reserve pool, the Administrative Body shall endorse his attendance and wage cards accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered Chipping and Painting worker and the Administrative Body that he is satisfied that the registered Chipping and Painting worker has failed to comply with lawful order as aforesaid, the registered Chipping and Painting worker shall not be entitled to any payment or to such part of any payment under clause 44 as the Labour Officer thinks fit in respect of the wage period in which failure occurred or continued:

Provided that the registered Chipping and Painting worker shall be given an opportunity of showing cause before the Labour Officer takes any decision under this sub-clause.

46. Disciplinary Procedure.—(1) (i) The Personnel Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter give him a warning in writing, or

(ii) where, in his opinion, a higher penalty is merited, he shall report the case to the Deputy Chairman, who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

(a) censure him and record the censure in his record sheet, or

(b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered Chipping and Painting worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing by the employer to the Labour Officer who may, after investigating the matter, take any of the following steps as regards that worker, that is to say, he may—

(a) determine that, for such periods as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 44 in respect of the wage period in which such failure, commission or misconduct occurred or continued;

(b) give him a warning in writing; or

(c) suspend him without pay for a period not exceeding three days.

3. (a) Where in a case reported to him under sub-clause (2) the Labour Officer is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Deputy Chairman who after preliminary investigation of the matter shall pass orders thereon whether the worker should, pending final orders, remain suspended or not;

(b) Where a worker has been suspended by an order under item (a), he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman may in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowance and other allowances.

(c) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) Where a worker is found not guilty, he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on the time rate basis or under clause 34 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of Labour Officer a higher punishment than that provided in sub-clauses (2) and (3) is merited, he shall report the case to the Deputy Chairman.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the Administrative Body that a registered Chipping and Painting worker in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard output or has been inefficient in any other manner, the Deputy Chairman may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say, he may impose any of the following penalties:—

(a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 44 in respect of the wage period in which such failure, commission or misconduct occurred or continued;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages and allowances in lieu thereof; or

(e) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in this clause and in clause 45, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf:

TABLE

Authority empowered to take action	Power given under	Authority empowered to take action in specified cases
(1)	(2)	(3)
1. Labour Officer	Clauses 45 and 46	Administrative Body.
2. Personnel Officer	Clause 46	Deputy Chairman or Chairman.
3. Deputy Chairman	Clause 46	Chairman.

(9) Without prejudice to the powers of the Chairman under Clauses 47 and 53, a registered employer shall have full powers to take disciplinary action including dismissal against monthly workers employed under him.

47. Special Disciplinary Powers of the Chairman.—(1) Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any group of registered Chipping and Painting workers or by any such individual worker and is being continued or repeated by the same group of workers or different groups of workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

(i) in the case of monthly workers, to take without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and

(ii) in the case of registered Chipping and Painting workers in the reserve pool, to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action, where the 'go-slow' is resorted to by a worker or a group of workers, against the worker or workers him or it;

(4) Before any disciplinary action is taken under this clause against any worker or any group of workers, such worker or workers shall be given an opportunity to show cause why the proposed action should not be taken against him or it;

Provided that the Chairman, may, before giving an opportunity to show cause under this sub-clause, suspend from work any worker or group of workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman in exceptional cases, grant higher subsistence allowance not exceeding three-fourth of such basic wages, dearness allowance and other allowances :

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance shall, for the period exceeding ninety days, be reduced to one-fourth of the basic wages, dearness allowances and other allowances.

(b) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever.

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clauses 33 and 34 had he not been suspended, provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(6) Any registered Chipping and Painting worker who is aggrieved by an order of the Chairman under sub-clause (2) may within 30 days of the date of receipt of the orders, prefer an appeal to the Central Government.

48. Termination of Employment.—(1) The employment of a registered Chipping and Painting worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered Chipping and Painting worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages and allowances in lieu thereof.

(3) When the employment of a registered Chipping and Painting worker with the Board has been terminated under sub-clause (1) or (2), his name shall forthwith be removed from the register or record by the Administrative Body.

49. Appeals by Workers.—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table may prefer an appeal against such order to the authority specified in column (3) of the said Table.

TABLE

Authority passing order	Order made under	Appellate Authority
(1)	(2)	(3)
Deputy Director Administrative Body	Clause 45 or 46	Deputy Chairman.
Deputy Chairman	Clause 45 or 46	Chairman.
Chairman	Clauses 55 and 46	Central Government.

(2) A worker who is aggrieved by an order for—

(i) placing him in a particular group in the register or record, or

(ii) refusing registration under clause 19, or

(iii) requiring him under item (b) of sub-clause (4) of clause 39 to undertake any work which is not of the same category to which he belongs;

may prefer an appeal to the Chairman.

(3) If the services of a monthly Chipping and Painting worker are terminated by an employer for an act of indiscipline or misconduct, he may prefer an appeal to the Chairman within 14 days from the date of receipt of the order appealed against. The Chairman may make or cause to be made such further investigation into the case as he may deem fit and thereafter pass his order.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered Chipping and Painting worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered Chipping and Painting worker falls within a class or description of Chipping and Painting workers whose names are to be removed from the register or record in order to reduce the size thereof:

Provided that an appeal shall lie to the Chairman where the registered Chipping and Painting worker alleges that he does not belong to the class or description of Chipping and Painting workers referred to in the instructions of the Board.

(5) Every appeal referred to in sub-clause (1), (2) or (3) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final and conclusive:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered Chipping and Painting worker.

50. Appeals by Employers.—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under item (i) of sub-clause (1) of clause 46 may appeal to the Deputy Chairman, whose order shall be final and conclusive and there shall be no appeal against it.

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under sub-clause (1) of clause 46, he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under sub-item (a) of item (ii) of sub-clause (1) of clause 46 shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under sub-item (b) of item (ii) of clause (1) of clause 46 the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A dock employer who has been refused registration under item (c) of sub-clause (1) of clause 16 may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 46, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clause (1), (2) and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the Association of registered employers of which he is a member or by a registered employer.

51. Power of revision of the Chairman and the Deputy Chairman.—Notwithstanding anything contained in this Scheme, the Chairman, in the case of an order passed by the Deputy Chairman under clause 46, or the Deputy Chairman, in the case of an order passed by the Personnel Officer or the Labour Officer, as the case may be, under the said clause, may, at any time, call for the record of any proceeding in which the Deputy Chairman or the Personnel Officer or the Labour Officer, as the case may be, has passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he thinks fit:

Provided that the Chairman or the Deputy Chairman shall not pass an order under this clause prejudicially to any person without giving him a reasonable opportunity of being heard.

52. Stay of order in case of certain appeals.—Where an appeal is lodged in accordance with the provisions of clause 49 or 50, the appellate authority may suspend the operation of the order under appeal, pending the hearing and disposal of the appeal.

53. Special provisions for action in an emergency.—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

- (i) If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may after holding a summary inquiry into the allegation, take any of the following steps as regards that employer, that is to say, he may:—
 - (a) give the registered employer a warning in writing, or
 - (b) direct that the name of the registered employer shall be removed forthwith from the employers' register either permanently or for such period as he may determine.
- (ii) If any allegation of indiscipline, 'go-slow' or misconduct is made against a registered Chipping and Painting worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against the worker, that is to say, he may:—
 - (a) determine that for such period as he thinks proper, that worker shall not be entitled to any payment under clause 44;
 - (b) give him a warning in writing;
 - (c) suspend him without pay for a period not exceeding three months;
 - (d) terminate his services after giving 14 days' notice or 14 days' wages and allowances in lieu thereof; or
 - (e) dismiss him.
- (iii) (a) Where a worker has been suspended pending enquiry he shall be paid for the first ninety days from the date of suspension, a subsistence allowance equivalent to one-half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter, the Chairman in exceptional cases, grant higher subsistence allowance not exceeding three-fourths of such basic wages, dearness allowance and other allowances:

Provided that where such enquiry is prolonged beyond a period of ninety days for reasons directly attributable to the worker, the subsistence allowance, shall for the period exceeding ninety days, be reduced to one-fourth of the basic wages dearness allowance and other allowances;

- (b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;
- (c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 34 had he not been suspended: provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during the period.

(3) Any registered Chipping and Painting worker or registered employer who is aggrieved by an order passed by the Chairman under sub-clause (2) may within 30 days of the date of receipt of the orders, prefer an appeal to the Central Government.

(4) Notwithstanding anything contained in the Scheme so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered Chipping and Painting workers directly by registered employers and payment to such unregistered workers directly.

54 Cost of operating the scheme.—(1) The cost of operating the Scheme shall be defrayed by payments made to the Board by registered employers or their authorised agents, as approved by the Board. Every registered employer shall pay to the Board such amount by way of levy in respect of reserve pool workers together with and at the same time as or earlier than the payment of gross wages due from him under item (1) of sub-clause (5) of clause 40, as the Board may, from time to time, prescribe by a written notice to registered employers and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer. The Board may also require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine.

Provided that, where wages are payable to workers at an interval of less than a month, the Board may at its discretion allow the amounts, other than gross wages, payable under this sub-clause to be paid monthly by such time as the Board may prescribe in this behalf.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in the like circumstances.

(3) The Board shall not sanction any levy exceeding hundred per cent of the estimated total wages bill calculated on the basis of the daily basic wages plus dearness and other allowances without the prior approval of the Central Govt.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) or under item (iii) of sub-clause (5) of clause 40 or any other amount due and payable to the Board in any other capacity or account within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that unless he pays his dues within three days from the date of receipt of the notice, the supply of registered Chipping and Painting workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered Chipping and Painting workers to a defaulting employer and charge interest on the amounts due at such rate and from such date as the Board may decide until he pays his dues. If the employer fails to pay up his dues within 45 days from the date of issue of the notice, his name shall be removed from the employers' register without prejudice to other rights of the Board for the recovery of the defaulted amount from such employers.

55. Arrears of dearness allowance and wages and other allowances.—In case of any revision of dearness allowance or grant of revised wages and other allowances with retrospective effect, in pursuance of any award or recommendation of any Board or Body set up, or any order made, by the Central Government the Board may out of its funds, pay the registered workers arrears upto the date of the award or, as the case may be, of the recommendation or order, if the Board so decides".

56 Provident fund, gratuity and voluntary retirement fund.—(1) The Board in respect of the registered Chipping and Painting workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary.

(2) The Board shall frame rules for payment of gratuity to registered workers.

(3) The Board shall, if necessary, make suitable provision for a Voluntary Retirement Fund and shall frame rules for the same.

57. Dock workers welfare fund.—Cost of amenities, welfare and health measures and recreation facilities for registered Chipping and Painting workers shall be met from a separate fund called Dock Workers' Welfare Fund which shall be maintained and operated by the Administrative Body. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of, the Fund. In framing such rules, the Board shall provide for the association of workers' representatives with the formulation and implementation of the welfare measures. The day-to-day administration of the welfare measures should, however, be left to the Administrative Body.

58. Industrial relations.—The Board shall take suitable and effective steps to set up such machinery as it may deem fit to maintain cordial and amicable industrial relations between the employers and the workers under the Scheme.

59. Penalties.—A contravention of clause 41 shall be punishable with imprisonment for a period not exceeding three months in respect of first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

60. Repeal and Savings.—The Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1957 shall stand repealed from the date this Scheme comes into effect:

Provided that any order made, right accrued, penalty incurred or anything done or any action taken under the said Scheme shall so far as may be deemed to have been made, accrued, incurred or done or taken under the Scheme and any reference in any instrument to any provision of the said Scheme shall be deemed to be a reference to the corresponding provisions of the Scheme.

SCHEDULE I

Classes or descriptions of Chipping and Painting workers to which the Scheme applies:

- (1) Sirdar or Serang (Monthly worker only).
- (2) Tindal.
- (3) 'A' Mazdoor (Outboard).
- (4) 'B' Mazdoor (Inboard).
- (5) C (L) Mazdoor (Special).

SCHEDULE II

(See clause 33)

The minimum number of days in a month for which wages are guaranteed to any category of workers under the Scheme should be assessed annually on the basis of the average employment during the immediately preceding 12 months according to the following procedure:

- (a) The total number of man-shifts worked every month by the workers of any category in the reserve pool should be recorded.
- (b) The effective strength of the said category of workers in the reserve pool on all the working days of the month should be recorded under the following column headings:—

The effective strength of the Workers in the reserve pool on a particular working day shall be	The number of the workers on the reserve pool register on that day	Number of the workers in the reserve pool on authorised or unauthorised leave plus number of workers in these categories who died or whose services were terminated on that day
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- (c) The effective strength of the workers on all the working days in a month obtained under (b) above should be added up and divided by the number of working days in the month to yield the effective strength of these workers during the month.

- (d) (a) should be divided by (c) to yield the average employment per worker per month in these categories.
- (e) The averages obtained under (d) above for 12 consecutive months should be added up and divided by 12. The average so obtained shall be fixed as the minimum guarantee for the next 12 months. For clarification, an example is given below:

Suppose that an assessment is made in June 1969 and suppose the effective strength of the Tindals in the reserve pool and the man-shifts worked by them during the period June, 1968 to May, 1969 are as shown under columns (2) and (3) of the Table below:—

TABLE

Month		Effective strength	Total No. of man-shifts worked	Average employment per worker per month
(1)		(2)	(3)	(4)
June	1968	.	.	.
July	"	.	.	.
August	"	.	.	.
September	"	.	.	.
October	"	.	.	.
November	"	.	.	.
December	"	.	.	.
January	1969	.	.	.
February	"	.	.	.
March	"	.	.	.
April	"	.	.	.
May	"	.	.	.

Column (3) divided by column (2) will show the average employment per Tindal per month and this is shown in column (4) of the Table.

The minimum number of days in a month for which wages should be guaranteed for the Tindals during the period June, 1969 to May 1970 will be

$$\frac{12 + 13 + 15 + 16 + 16 + 17 + 17 + 13 + 14 + 15 + 16 + 17}{12} = 15.08$$

After rounding to the nearest day = 15 days.

Similar calculation should be made in June, 1970 and thereafter every year. If the average number of days in any year works out to be less than the minimum number of days for which wages have already been guaranteed, the latter number will not be reduced. In other words, the minimum number of days in a month for which wages are guaranteed will progressively increase but will never be decreased.

SCHEDULE III

Limits of the Port of Calcutta* to which the Scheme applies:—

On the North.—A line drawn due east across river Hooghly from a pillar at the southern boundary of Messrs D. Waldie & Co's Chemical Works and Distillery at Konnagar in the district of Hooghly on the right bank of the river to a pillar on the left bank of the river near Panihati in the district of the 24-Parganas.

On the South.—A line drawn from a masonry Pillar placed at the mouth of the Budge-Budge khal to a pillar on the right bank (Howrah side) of the river Hooghly, bearing north west of the first named pillar.

*Vide Government of West Bengal Notification No. 13- Marine dated 14th February, 1929.

THE CALCUTTA DOCK LABOUR BOARD

Manning-cum-Incentive Scheme for Chipping and Painting Workers

1. The Manning-cum-Incentive Scheme annexed hereto apply to the following categories of Chipping and Painting workers:—

- (1) Tindal.
- (2) A-Mazdoor.
- (3) B-Mazdoor.

2. **Processing Wage.**—The processing wage of the different categories of workers will be as under:—

Category	Processing Wage (P. W.)
Tindal	Rs. 4 50
A and B Mazdoor	Rs. 3 37

3. W.B.I. means the increase in daily emoluments of a worker as a result of the orders passed by Government on the report of the Wage Board for Port and Dock Workers.

4. When the output of a worker is below 1 unit except for reasons beyond his control, he will be paid the Processing Wage. In such cases, that is when he is paid only the processing wage, it will be open to him to make a representation to the Dock Labour Board, that his low output is due to reasons beyond his control and asks for the wages at 1 Unit level.

5. For output in excess of a completed unit level, the worker shall be paid pro rata at a rate equal to the difference between the completed unit and the next higher unit. However, where the unit level of performance is a single plate, beam, frame, bay, tank or cabin, payment shall be made only for completed units and any performance of part unit would not be taken into account.

6. If work is available for at least half the shift hour, a worker must produce the full unit level output, in order to be entitled to the W.B.I. If work is not available for half the shift hour, a worker shall be paid the W.B.I. irrespective of the output.

7. Since units of performance have been fixed taking into account the average loss of working time that is occasioned in the course of normal chipping and painting work in Calcutta, there shall be no separate payment for idle time.

8. **Increase in basic pay and allowances.**—Increases in daily basic pay and other allowances and the daily component of Dearness Allowances, as may be sanctioned by the Dock Labour Board from time to time, will be added as a differential to the incentive wage of each worker.

9. **Night Allowance.**—When called upon to work in the second and third shifts, night allowance as prescribed by competent authorities, will be added as differentials to each worker's incentive earnings.

10. **Overtime Allowance and Holiday Allowance.**—When called upon to work on holidays or do overtime work, all workers will be entitled to holiday and/or overtime allowance as sanctioned by the Dock Labour Board, from time to time, in addition to their incentive earnings under the Scheme.

11. **General.**—(i) Other conditions of service will remain unchanged.

(ii) The Chairman, Calcutta Dock Labour Board, would appoint a standing committee consisting of representatives of Employers, Workers and the Dock Labour Board.

CALCUTTA DOCK LABOUR BOARD

Manning-cum-Incentive Scheme for Chipping and Painting Workers

Operation	Unit of performance	Manning Scale	Wage payable (including DA, CA & HRA but excluding existing Manning Scale Allowance)			
			1 Unit	2 Unit	3 Unit	4 Unit
1	2	3	4	5	6	7
1 Dry Docking (vessels over 300' in length :						
(a) Washing & Scraping	Entire bottom of ship.	4 Tindal+ 40 men.	PW+WBI+2 25	.	.	.
(b) Painting anti-corrosive to above	Do.	Do	PW+WBI+2 25	} If (b) & (c) are completed in one shift payment will be made at twice the payment for either operation }		
(c) Painting antifouling to above	Do	Do	PW+WBI+2 25			
(d) Stern Appexor	.	3 Men	PW+WBI+1 00			.
(e) Chain ranging both sides	.	1 Tindal+ 12 Men	PW+WBI+4 25			
(f) Bottom Plate Chipping & coat Painting	1 Plate	3 Men	PW+WBI+3 00	2PW+WBI+5 00	3PW+WBI+7 00	4PW+WBI+9 00
(g) Bottom plate hard scrapping and 1 coat Painting	1 Plate	2 Men	PW+WBI+1 00	2PW+WBI+2 00	3PW+WBI+4 00	4PW+WBI+7 00
2 Rudder Stalk—Chipping both sides		As required	PW+WBI+1 00			.
3 Chain Locker (Port & Star-Board)—Chipping & Painting		1 Tindal+ 12 Men	PW+WBI+1 00		.	.
4 Chipping wire brushing scrapping & painting—Funnel		As required	PW+WBI+1 00		.	.

5	Derricks	.	As required	PW+WBI+1.00	..	..	..
6	Mast, Jamboo Derrick—Chipping and Painting	.	As required	PW+WBI+1.00	..	..	..
7	Thoroughly chipping, painting & wire brushing—						
(a)	Frames in holds, Tween, deck, deep tanks etc.	1 Frame space upto 10 ft. irrespective of width.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(b)	Deck Head in holds, Tween Decks, shelter Decks, Deep tanks.	1 Frame space upto 10 ft. high.	1 Man	PW+WBI+1.10	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(c)	Bulk Heads in holds, Tween Decks, Deep Tanks Shelter Decks etc.	Upto 50 sq. ft. or frame space upto a height of 10 ft. Which ever is applicable.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
8	Spot chipping hard scraping holds Tween Deck, Shelter Deck, Bridge space, Deep Tank etc.—						
(a)	Holds—						
(i)	Chipping & hard scraping	2 entire frame spaces	1 worker	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(ii)	Touch up with composition, if required.	10 frame spaces	1 worker	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(iii)	Painting deck heads	4 frame spaces	1 worker	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(iv)	Painting sides & bulk heads	4 frame spaces	1 Man	5.7 [PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(b)	Tween Deck—						
(i)	Spot chipping and hard scraping	4 frame spaces	1 Man	PW+WBI+1.0	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00

	1	2	3	4	5	6	7
(ii) Painting deck head	.	4 frame spaces	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(iii) Painting sides	.	6 frame spaces	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(c) Deep Tanks (Cargo)—							
(i) Chipping	.	Frame spaces upto 10 ft. height.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(ii) Spot chipping hard scraping	.	3 frame spaces	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(iii) Painting	.	4 frame spaces	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
9 Chipping, wire brushing & thoroughly clearing bulwark plate—							
(a) Chipping	.	45 sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(b) Wire brushing & painting	.	400 sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
10 Hull Plate—							
(a) Chipping	.	1 plate (black)	3 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(b) Chipping (boottopping)	.	1 plate	4 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(c) Chipping other portions from outside	.	45 Sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
11 Deck plates of main deck and tank tops chipping & Painting	.	45 Sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
12 Hatch coaming on main deck—							
(a) Chipping internally	.	45 Sq. ft.	1 Man	PW+WBI+1.00	..	..	..
(b) Chipping externally	.	35 Sq. ft.	1 Man	PW+WBI+1.00	..	..	..

(c) Scrapping & Spot chipping—									
internally	Entire hatch coaming	3 Men	PW + WBI + 1.00	..	..	..	..	..	..
externally	Do.	4 Men	PW + WBI + 1.00	..	..	..	..	..	..
(d) Painting—									
internally	Do.	3 Men	PW + WBI + 1.00	..	..	..	..	..	..
externally	Do.	3 Men	PW + WBI + 1.00	..	..	..	..	..	..
13 Beams—									
(a) Chipping	Each beam	2 Men	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
(b) Scrapping & spot chipping	2 beams	1 Man	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
14 Angle bar frame space (Angle only 4" x 4"—									
(a) Chipping	40 R. ft.	1 Man	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + BI + 7.00	..	..	..
(b) Painting	120 R. ft.	1 Man	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + BI + 7.00	..	..	..
15 Stanchions of Hold, Tween Deck & deep Tank (Cargo)—									
(a) Holds & deep tanks —									
Chipping	1 stanchion	2 Men	PW + WBI + 1.00	..	..	..	..	..	..
(b) Tween deck chipping	1 stanchion	1 Man	PW + WBI + 1.00	..	..	..	..	..	..
16 Bilges—									
(a) Chipping	1 Bay	1 Man	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
(b) Scrapping	3 Bays	3 Men	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
(c) Cementing	6 Bays	8 Men	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
(d) Painting	3 Bays	4 Men	PW + WBI + 1.00	2PW + WBI + 2.00	3PW + WBI + 4.00	4PW + WBI + 7.00	..	..	..
Only cleaning etc., to be done by Harbour even without using scrappers of chipping hammers.									
17 Outside painting works—									
(a) Scrapping & Washing boot topping allround .	Upto 8 ft. height.	1 Tindal, 6 men.	PW + WBI + 2.00	2PW + WBI + 3.00	3PW + WBI + 5.00	4PW + WBI + 8.00	..	..	..

1	2	3	4	5	6	7
(b) Painting boot topping to regulation colours all round	For 8 ft.	1 Tindal , 8 men.	PW+WBI+2.00	2PW+WBI+3.00	3PW+WBI+5.00	4PW+WBI+8.00
(c) Cutting line of boottopping	Both sides	2 Men. 2 D/L.	PW+WBI+1.00	..	..	..
(d) Touching up top-side from boottopping line upwards	Each side	1 Tindal. 6 Men.	PW+WBI+1.00	..	..	..
(e) Painting top side	Each side	1 Tindal. 12 Men. 3 extra men for dabusa.	PW+WBI+1.00	..	..	..
(f) Painting & washingship's white Band or Ribbon—						
Washing	Each side	4 Men	PW+WBI+1.00	..	..	..
Painting	Each side	3 Men+3DL.	PW+WBI+1.00	..	..	..
(g) White harlround . . . . .	..	Men as necessary	PW+WBI+1.00	..	..	..
18 Tanks —						
(a) Bailing out upto 6" water & cleaning & drying out tank—	Capacity upto 50 Tons. For every addi- tional 25 T. of capacity.	1 Tindal + 6 Men 2 Men	PW+WBI+1.00 PW+WBI+1.00	....	....	....

NOTE :—There will be one tindal each on Fore peak Tank. After peak Tank i.e., there will be one tindal only on each tank. In case of Divisional Tank separate tindal will be booked for each divisional tank where workers can pass from one side to the other from the partition one tindal will supervise the work on both sides,

	(b) Scraping cleaning & drying up.	Capacity upto 50 tons.	1 Tindal+ 6 men.	PW+WBI+1.00	..	..	..
	(c) Washing painting or oiling.	Capacity up to 50 tons.	Tindal+ 6 men.	PW+WBI+1.00	..	..	..
1	Sanitary Tanks—(Capacity up to 15 Tons)—Cleaning & scraping	Per tank	1 Tindal+ 2 Men	PW+WBI+1.00	..	..	..
	Cement washing	Per tank	2 Men	PW+WBI+1.00	..	..	..
20	Minor Fresh Water Tanks (Capacity upto 20 T)—						
	(a) Chipping inside of all tanks.	40 Sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	(b) For cleaning & washing	Entire tank	1 Tindal+ 4 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	(c) for cement washing	Entire tank.	1 Tindal+ 4 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
21	Edible Oil Tank—						
	(a) Chipping bulkhead and tank top	30 Sq. ft. tank	1 Man 1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	(b) Chipping deckhead and side.	25 Sq. ft.	1 Man	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	(c) Applying caustic and wire brushing	Capacity upto 800 tons	1 Tindal+ 8 Men	PW+WBI+1.00	..	..	..
		Cap. from 101 tons to 200 tons.	1 Tindal+ 12 Men	PW+WBI+1.00	..	..	..
		Cap. from 201 tons to 300 tons	1 Tindal+ 1 Men	PW+WBI+1.00	..	..	..
		Cap. from 301 tons to 400 tons.	1 Tindal+ 18 Men	PW+WBI+1.00	..	..	..

1	2	3	4	5	6	7
	Cap. from 401 tons to 500 tons.	1 Tindal+ 20 Men	PW+WBI+1.00	..	..	..
	Cap. from 501 tons to 600 tons.	1 Tindal+ 22 Men.	PW+WBI+1.00	..	..	..
	Cap. from 601 tons and above	1 Tindal+ 24 Men	PW+WBI+1.00	..	..	..
NOTE :—In case only caustic soda is to be applied and no wire-brushings to be done in the same shift, then half number of workers in (c) shall be employed on in case only wire-brushing is done without applying caustic soda in a shift, half the number of workers mentioned in (c) shall be employed.						
(d) Washing as above—						
Bailing out and wiping—						
Capacity	Upto 300 tons	4 Men	PW+WBI+1.00	..	..	..
Capacity	from 301 tons to 500 tons.					
Capacity—	“ “ “ “	6 Men	PW+WBI+1.00	..	..	..
	from 501 tons and above	8 Men	PWB+WBI+1.00	..	..	..
22 Fine Painting—						
(a) Cabins (crews accommodation) washing-including-fitting						
Cabin 1 to 4 berths						
Painting—	2 cabins-1 Unit	2 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	Each cabin	3 Men	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
	(4 berths)					
23 (a) Painting Cabin	More than 4 berths	3 Men+ 1 Man for each additional berth.	PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(b) Crews Mess Room—						
Washing	1 Man		PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
Painting—	2 Men		PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00
(c) Hospital & Lavatory —						
Washing—	2 Men		PW+WBI+1.00	2PW+WBI+2.00	3PW+WBI+4.00	4PW+WBI+7.00

(d) Toilet & Wash places —								
Washing	Upto 3 units	1 Man	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting	Upto 3 units	2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(e) Common Wash places—								
Washing—		2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting		4 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(f) Crews Alleyways								
Washing—	Small-10' length	2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting—	Do.	3 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Washing—	Large-20' Length	4 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting—	Do.	6 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(g) Companion & Stairway								
Washing—		1 Man	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting—		2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(h) Crew Galleys—								
Washing—	For more than 10 crew.	2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting—	Do.	3 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(i) Passenger Cabin without Toilet—								
Washing—		2 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
Painting		3 Men	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
(j) Any Fine Painting								
	400 Sq. ft.	1 Man	PW+ WBI+1.00	2PW+ WBI+2.00	3PW+ WBI+4.00	4PW+ WBI+7.00		
24 Rigging, Staging in hold—Deep Tanks, Edible Oil								
Tanks, Lower Holds & Tween Decks—Capacity	Upto 250 tons	1 Tindal + 8 Men	PW+ WBI+1.00	..	..	..
	From 251 tons to 400 tons.	1 Tindal + 12 Men.	PW+ WBI+1.00	..	..	..
	From 401 tons and above.	2 Tindals + 18 Men	PW+ WBI+1.00	..	..	..

[No. 53/29/69/-Fac.II.]

T. S. SANKARAN Jt. Secy.

